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THE LETTERS AND
PAPERS
OF
CADWALLADER COLDEN

VOLUME IX

ADDITIONAL LETTERS AND PAPERS

1749 – 1775

AND SOME OF COLDEN'S WRITINGS

NEW YORK

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THE LETTERS AND PAPERS
OF
CADWALLADER COLDEN

VOLUME IX

ADDITIONAL LETTERS AND PAPERS OF
CADWALLADER COLDEN

1749 – 1775

To John Colden

COLDENGHAM Jan^{ry} 16th 1748 ¹

Dear John

I wrote to you last week which was to go by Coll Hearing ² of Tapan who we expect will be at New York about friday next In that I inclosed two letters besides some for your Sister One to his Excellency and another to M^r Alexander The bearer of this Abram Smeddus goes down to obtain a grant of some vacant pieces of Land in Evans's patent lying between the settlements at Shawungunk and the Shawungunk hills or Rochester patent They are to use two names in order to obtain a grant of any quantity under four thousand Acres & in several pieces The land here has been hitherto despised but as the settlements begin to want timber it grows valuable on that account and as some of the prior grants run up to the mountains it cannot be taken up otherwise than in several tracts neither cann it be known how much there is vacant till the adjoining patents are survey'd You may acquaint M^r Banyar with this whom the persons by my recommendation intend to imploy in order to present & draw their petition &c for them. Your Mother & I were yesterday at Newburgh where we found your Brother & Sister & Children all in good health Your Sister was down stairs This man will be a good Opportunity to write by when he returns We are all in good health & all of us often remember you affectionately Make our Complements to M^r Nicholls & family Your Brother would be glad to be inform'd what hopes there is of the Market They are bidding on one another here for wheat I am

Your affectionate father

CADWALLADER COLDEN

¹ 1748/9.

² Abraham Haring.

From James Alexander

NEW YORK Janry 20th 1748/9

Dear Sir

I have yours of the 12th: the absolute refuseal of the jersey Assembly at their last Sessions to do any thing against the rioters I think was much better than to have done Some triffleing ineffectual thing as they have done at every Session for three years past, for while any hopes or prospect remained we could not have So well applyed to the King for his interposition, but this refuseal renders it absolutely necessary had the Assembly proceeded to do any thing Effectual against them its more than probable that they would have come in a body & Drove Governour Council & Assembly before them, for they had appointed Wednesday the 21st of December to meet at Woodbridge which is only 4 miles from Perthamboy & advertisements were up in the Different parts of the province where the rioters live, that every man whatsoever belonging to the Club should without fail meet at justice Herds ¹ at Woodbridge on the Said day under the highest pain, accordingly at the day a good many from Hunterdon County came, but hearing the assembly had broke up on the fryday before those who lived near did not come & the others returned

I hear that Gov^r Belcher has Dissolved the last Assembly & that writts are out for the Election of a new there may be Some change in the men but I Do not Expect any change for the better nor that its possible to put an End to the rioting without the Kings interposition

Neither the jersey Council nor Council of proprietors had any thoughts of assistance from Gov^r Clinton in their application to the King concerning the rioters. I believe it might be of use, but as I had no Direction to apply for it I Dare not presume to take any Step for that purpose

To Suppose that the grantor of a Letter of attorney

¹ John Heard.

or other authority or power whatsoever could not revoke or Suspend that power as well before as after the acceptance of and acting by the power, I think is a Supposition without reason or foundation.

I am very well pleased to hear that you have Completed your tables for the Earths motion & doubt not they will answer our Expectations as to their accuracy

I have Lent S^r Jonas Moors works (I think to James Lyne of Brunswick) which have Flamsted's tables, as to Streets tables I believe they are too old to be Correct—however if I have time & get into the Mood, I shall try how the Observations you Send do give the Latitude of the place of Observation by Streets & Some other tables I have

My wife Joins with me in our Compliments to you & M^{rs} Colden I am

D^r Sir

Your most humble Serv^t

JA: ALEXANDER

[Addressed:] To Cadwallader Colden Esq^r

Att

Coldenham

*To John Colden, at Albany*¹

NEW YORK April 16th 1749

Dear John

When I wrote last to you I did not doubt of my going home last week but the Gov^r was unwilling till the return of last post as he expected letters but I make no doubt of going tomorrow Give my Service to the Recorder²

¹ John Colden was commissioned Clerk of Albany, Feb. 23, 1749.

² Robert Saunders.

with my thanks for his civilities. I should have been vexed had you neglected to treat the Court Vanderheiden or Vanderburgh seem the properest for your Deputy of any mentioned Stoddard is a stranger & cannot I doubt give sufficient security The Family of the Wendels I have no opinion of Wendel's offering to make an agreement with you shews that he would take an advantage. You are to give no part of your fees away & M^r Nicholls says it may not be safe to suffer the Lawyers to make out their own copies It will be an advantage in your Deputation to have the approbation of the Court but before you do it know from the Mayor¹ or Recorder that you have not the negative put upon you. I would not mind Collins protest if you have no other reason to mind it I do not think Vanderheiden's proposals much a miss but it would be best if you can to agree for one third what ever it be because as he proposes he would make more profit if the office bring in only 120 pounds than if it brought 150 If you get good Security & the approbation of the Court to your Deputy you may make one & come away as soon as you please but not ask the approbation till you are assured of having it Your Sister Jenny is gon to Westchester David goes home with me. If you could get a Deputy that has no way distinguished himself as a party man I should prefer such a one

Since I had wrote so far I receiv'd yours of the 15th & by it I find you are every day learning more & more of what concerns your office & therefore I believe you ought not to be in a hurry either as to Deputing or leaving the place I inclose the Form of a Deputation The Security to be given by Bond wherein your Deputy & his security are bound jointly & severally

The Condition to execute the office faithfully and not to do or suffer to be don any thing by w^{ch} the office may be forfeited And likewise to pay &c as you shall agree M^r Nicholls says that in the Clerks office of New York they regulate themselves by the table of Fees

¹ Jacob Ten Eyck.

& that they keep accounts with the attorneys for the fees which they pay Quarterly of half yearly as the Clerk chooses to make out his Acct^s They pay no regard to the taxing of Bills of Costs the Attorney takes care of that to repay himself The Attorneys must be answerable for the fees otherwise not to trust them & you are to charge no otherwise than according to the Ordinance

M^r Nicholls says you are not obliged to serve the common Council without being paid for it The Corporation besides should find books for records &c & pen & Ink By this the records will be better kept No record to go out of yours or your Deputies hands If any want to see the Record out of the office or at other hours then when you are obliged to attend your office you must be paid for your attendance besides the usual fees

You ought to demand the usual Sallary of the Corporation & if they refuse or put off do not break with them at once but tell them you will give them time to consider because you do not doubt when they have weigh'd things well they will use you as well as any of your Predecessers since you are resolv'd to serve them with fidelity

I came from West Chester this morning Your Sister was brought to bed yesterday morning of a lusty boy & was as well as could be expected when I left her

Your Mother Sisters were well towards the end of last week & so was your Brother Colden The Wind is contrary otherwise I had been on my way by this time I am

Your affectionate father

CADWALLADER COLDEN

April 18th

[Addressed:] To M^r John Colden
at Albany

*To John Colden*COLDENHAM April 24th 1749

Dear John

I wrote to you by Ten Eike the Sloop by which I return'd & found your Mother & Sisters in good health when I got home on friday morning Mr^s Tucker & D^r Bard came with us The latter is now with us here As you may stay longer then was at first expected I have reason to think you may want Money if you do I expect that the Recorder or some other will let you have what you want & I shall take care that it be paid to any person they shall direct at New York as soon as I shall know of it & can send it thither If you should stay longer it will be necessary for you to get summer cloaths but whether to send to M^r Galatian to get them for you or for you to buy them at Albany I cannot say that I must leave to your self but I am affray'd you cannot have them tollerably made there If they can be made well I think it better to buy them there tho' somewhat dearer because of the disapointments you may meet with in getting them don & sent to you But I shall be best pleased if you can order your affairs so as to apoint a Deputy with the approbation of the Court or Common Council & return soon to this place but rather than to apoint one disagreeable to them or one you cannot safely trust you had better stay some time longer. I am so well satisfied with your care in your expences that I limit you to no sum because I know you will not take more than you really want but do not straiten your self or appear too mean We are all in perfect good health & only long to hear from you again to know what you have determin'd Your Mother Brothers & Sisters all affectionately remember you & I am

Your affectionate father

CADWALLADER COLDEN

I expect to hear from you by
Court every moment

*To John Colden*NEWBURGH April 26th 1749

Dear John

I had the pleasure when I came down this day to find yours of the 21st & 23^d I am glad to find that you are so well pleased in the place where you are & I am clearly of the mind that before you resolve farther as to apointing a Deputy that you return to Coldenham & New York As to the leaving of Blank writs I think it better to intrust the Rec[order] with them than to give them to the Attorneys or if he do not [torn] to be troubled with them to intrust them with M^r Steven[son] or any other person you think you can safely trust. Do n[ot] trouble your self about Collins he has no reason from any thing in my conduct to behave as he does & I hope not fro[m] any thing you have said or don & therefore I think that he behaves like a fool I am confident the Attorneys have more reasons to be well with the Clerk then he with them Do your Duty & you need be affray'd of none. I am glad that you are resolv'd to inform the Court of the Want of the Records you mention I think you ought likewise to shew the Condition they are in by producing them in Court & that you make an entry in the minutes of Court of your havi[ng] don so to this purpose viz the Clerk informs the Court &c This is a material thing which ought not to be omitted [torn] consideration whatever M^r Stevenson or any other person [torn] say After the entry of your information enter the Order of [torn] that shall be made thereon or if no order be made Yo- [torn] enter The Court took the same into advisement

If you be in want of money I suppose you may delay payin[g] your lodgeings till you return There is not the least appear[ance] of the War breaking out again If the Common Council desire you to wait till better times for the payment of your Sallary but at the same time Grant it You may make a promise verbally

to that purpose or that you will have patience rather than disoblige them or give them any uneasiness but make no entry of your promise for they ought to trust to your honour in that because such an entry might in effect defeat the Grant of a Sallary

As to Vanderheiden you may tell him in General that you cannot resolve on apointing a Deputy till you have seen me & have been likewise at New York You must take care to have th[e] Records safe in your absence especially considering the state they are in Pray give my humble service to Coll Johnson M^r Stevenson & Coll Marshall & other Gentⁿ that shew you civility Your Mother Alsie & B^r David are here with me & all are well at Coldenham & often remember you affectionately I am expecting to see you soon Vale

Your affectionate father

CADWALLADER COLDEN

The person with whom you leave the blank writts to give non out without being paid for them

Captⁿ Winne was very obliging in putting your letters a shoar tho' it blew hard

*From Mrs. Cadwallader Colden to her daughter,
Mrs. Peter De Lancey*

COLDENHAM May 25th 1749
Thursday

I had yours by Mr Nicholes last friday & your last of Saturday I receiv'd on Munday. I knew of no opportunity or shou'd have wrott to you before now I expect this will be delivered to you at Newburgh where I am now going my self and shou'd heartily rejoyce shou'd I have the good luck to deliver it to you my self. I'm now going to return the visit Mrs. Murry &c: made me who

was so kind as to come notwithstanding I had not been to wait upon her, which I wou'd have done but it was not practicapble as I knew not of their being come untill friday afternoon. I wrott my excuse, & desired the favour of her & all the company here on Saturday. They were with us untill Tewsday 5 in the afternoon. We were all very easy, abundantly cheerfull, & every body well pleas'd. We went in two waggens, & employ'd severall horses to Church, where you may be sure we made a famous show, there were a vast many more people than our litle Church cou'd hold, whither any converts were made I know not but many desenters were there, & we hear were wonderfully pleas'd with Mr Auchmuty's Sermons. Munday was spent at the fishing pond from eight of the morning till six at night all went save Mrs Nicholes Mrs Burges & my self. they eacht fish in abundance drest their dinner there & brought their supper home. (Mr Markham was with them)

The expectation I now have of seing my Dear Betty with some of her Children farr surpasses all the pleasure that gay company can give me as your Papa gives me some hopes of coming up with them it ads much to the satisfaction I expect in seing them. I [hearti]ly pray nothing may [top of page torn away] We [torn] all perfectly well since you [torn] your Brother Cad^{ws} wif[e ha]s been indispos'd with a cold for some [torn]-s which has hindered her Joyning with the company we have had, but he has been every day with them. please to make my complements to D^r Rosyboom & his wife. God Almighty Bless you & preserve you in health & grant you his aid & assistance in all your vertouous undertakings Alice Katty & David desires to give their love to you. I am My Dear Child

Your most tenderly affectionate Mother

ALICE COLDEN

To John Colden

[N]EW YORK May 30th 1749

[D]ear John

I hear'd from your Mother that you got up safe with your Sisters to Newburgh on thursday night & that you went on to Albany I hope soon to hear that you are safe arriv'd there & of your health & welfare I continue in good health This goes by M^r Kalm the sweedish Gentⁿ that came recommended to me & you have heard me speak of Assist him in any thing you can I recommend him to Coll Johnson & Ledi^{us} ¹ He designs for Canada & has the Governor's pass We have no news M^r Nicholls &c are not as yet return'd I am very desirous to be home before your Sister leaves Coldenham but I know not whether I can Captⁿ Clinton ² does not go before next week. I am

Your affectionate father

CADWALLADER COLDEN

To John Colden

NEWBURGH June 16th 1749

Dear John

I have yours without date & one from Joh^s Vanderheiden of the 12th of June You are not explicit enough about the disputes you have with the Lawyers for me to give you advice In general tho' I would advise you to avoid Disputes of any kind especially at this time yet never give up what is manifestly your right in any one point for he that insists on such a compliance in one point can have no bounds set to his insults You have the General principles of Right & Wrong & from them

¹ John Henry Lydius.

² Henry Clinton.

you may be able to Judge perhaps as will as some noted Lawyers especially such as never studied Right & Wrong but with a view to make money by their study of it

I am surprised at M^r Vanderheiden's information after M^r De Lignerie had acknowledged that the Gov^r of Canada would not deliver up his Indian Prisoners & if he had not acknowledged it every one of the Council knew it to be true. I wish M^r Vanderheiden had gon a litle further & explain'd how the expence of sending proper persons to Canada is to be defray'd & then he may be better able to Judge whether there be any just ground for Grumbling or for complaining I came down this day with your Mother & Sister De Lancey where we [torn] Your letters & a Sloop appearing in sight going up I write this in hopes of getting it put on board to inform you of our being all in good health. I go down next week with your Sister De Lancey the Assembly being to meet at the time to which it is pro-rogued. My Service to the family where you lodge M^r Livingstone's friends did apply in England for his offices but without success I am

Your affectionate father

CADWALLADER COLDEN

I wrote to you as I left New York Your Brother put it on board perhaps Waddel's coming in stopt y^e Sloop

From John Colden

ALBANY June 23^d 1749

Hon^d Sir

I have had the Pleasure by your favours of the 13th & 16th Ins^t to hear of your health & heartily pray for the continuance of it I inclose a Letter to M^r Guerin ¹ as I hear a Vessel will soon sail for London & have left

¹ Maynard Guerin, of London.

it open that you may (if you please) peruse it & if it wants correction I may perhaps have time to alter it before the Ship Sails I find by his rec^t that the pay is 18/ the half year more than I knew I likewise inclose a Second Bill & the Duplicates of my Letters by Griffiths which if you think proper Please to forward I suppose Sir you have got no Answer from M^r Osborn ¹ concerning the particular books that you wrote for, as the Instructor Clericalis would be of great service to me if you thought proper I would desire M^r Collinson or any one Else that you pleas'd to send me that & some other books & that M^r Collinson should pay it out of my pay I inclose another Letter from Van Derheyden whether it is occasion'd by the business of his Temper or from a Desire of doing good I know not but if I knew that his writeing was disagreeable to you I would endeavour to prevent it None of the Att^{ys} have spoke to me about my Fees since my last by Marselis nor shall I speak to them about it till I hear from you I shall allwayse endeavour Sir to avoid Disputes when it can be don without mean & undue Compliances but my cheif Study is in all things to testify my being

Hon^d Sir

Y^r most Dutifull & Obed^t Son

JOHN COLDEN

[Addressed:] To Cadwallader Colden Esq
at
New York
To be left at the
Post-Office
P^r favour of Cap^t Van Allen

¹ Thomas Osborne, publisher and bookseller in London.

From William Shirley, Governor of Massachusetts ¹

[half page missing]

where I have his Maj^{ty}s leave to go, and shall embark in less yⁿ six weeks. And I shall then, Sir, be able to do Justice to your Character by letting the D. of B. and L^d H——e, M^r P. and the D. of N. know what part you have acted in supporting M^r Clinton's Administration and his Maj^{ty}s Gov^t in N. Y.; and how much both are indebted to your fidelity, and prudence in adhering to him ag^t the Faction; tho' they have made you the Object of their party's publick resentm^t and ill usage. But in order to have a proper introduction for doing this, as well as quick'ning the Instructions, w^{ch} are determin'd to be sent M^r Clinton; and

[half page missing]

y^t therefore I can let 'em know the necessity there is for aiding and supporting his Maj^{ty}s Gov^t under his Administration with the propos'd Instructions without delay; and can let 'em know the faithfull Counsel and Assistance you have given him in the course of the Opposition, and the Ineroachments made upon the Prerogative; and how obnoxious you have made yourself to the Faction, solely by disappointing their Schemes: and inflexibly adhering to the Governour.

If the Gov^r does this by letters transmitted to Boston in time for me to Carry with me, I will deliver 'em with my own hand, and get a time assign'd for me to have an Audience upon these affairs, in w^{ch} I will with the utmost pleasure

[half page missing]

in N. Y. at least in a particular manner on many acc^{ts}

I shall answer the particular purport of your favour of the 21st of May in my letter to M^r Clinton; to w^{ch}

¹ The upper halves of both sheets (including the date) are missing, but it is evidently the letter of June 26, 1749, to which Colden replied at length in his letter of July 25, 1749, which is printed in *N. Y. H. S. Collections for 1920*, 119-29.

I beg leave to referr you, being with a very true regard
Sir,

Your most Faithfull, Humble Servant

W SHIRLEY

Be pleas'd to make my Compliments to M^{rs} Clinton
and assure her of my warmest Endeav^{rs} for M^r Clinton's
service as I have before mention'd.

Cadwallader Colden Esq^r

To John Colden

NEW YORK June 28th 1749

Dear John

I left your Mother & the rest of the family well on
friday last & came from Newburgh with your Sister
DeLancey about 6 that evening I went a shoar with
her at Kingsbridge on Saturday before noon & left her
& the Children well there & got to this place about 9
that night No doubt you have heard in what manner
D^r Colhoun ¹ has been treated by Oliver De Lancey
Such a shamefull Action as no man of the least honour
or Courage could be guilty of but too plainly shews what
some people are capable of D^r Colhoun is still alive
& some hopes of his recovery but far from being out of
danger Oliver immediatly fled & could not be found
after all the search that was made for him

Since I came to town I receiv'd yours of the 13th
instant & have discoursed M^r Nicholls on the subject
Matter of it. If the first Writ be not return'd into your
office I know not how they can take out a second &c
on the same Action & by that the Attorneys will suffer
more than you & if they do not take copies from you of
the Declaration & other pleadings they cannot make a
charge of those copies in their Bills of Costs neither can
they well make out their Bills of cost without you &
by right out to be examin'd & certified by you that the

¹ Dr. Alexander Colhoun.

services were really don & not by their oaths but this will depend upon the Judge who taxes the Bill & therefore you should endeavour to be well with them M^r Nicholls says that making up the record is entering the Declaration & all the Pleadings on the record which ought allwise to be don & is allwise done when a writ of Error is brought M^r Nicholls advises you by no means to enter into the Agreement proposed by the attorneys in which I agree with him be as patient as you can at present & I doubt not they will in time find that it is not for their interest to have any differences with you Above all things guard against growing angry in any disputes you may have for that will give them an advantage over you & if they find that you are not upon your guard they will be allwise endeavouring to provoke you to it. Continue in the present resolution you have taken of not yielding & Endeavour to be well with the Mayor Recorder & Judges I shall advise with M^r Alexander & write to M^r Collinson for what books may be proper for you I am in good health &
Your affectionate father

CADWALLADER COLDEN

From John Colden

ALBANY July 6th 1749

Hon^d Sir

I had yesterday the great pleasure to receive yours of the 28th Ult. & think myself happy in getting your instructions at this time which have confirm'd me in my resolution not to yeild to the Att^{ys} but I am sorry that it should be necessary for me to trouble you again S^r upon that head at this time when no doubt you have a good deal of other business but our Disputes have arose to that hight that it may be of Consequence how I behave in them & for that reason I hope for your excuse I endeavour S^r to keep my temper as well as I can considering the abuse I receive But (I think with-

out any fault of mine) the difference between M^r Collins & me grows worse & worse Last Saturday he appointed me to meet him & M^r Wendell with M^r De Peyster to get the Bills of Cost Taxed It would be tedious S^r to relate all that pass'd. I shall only say that M^r Collins used me with a great deal of ill language & insolence & that D P was manifestly overruled by him & cut me off of several things that used to be allow'd as I proved by Several Old Bills It was very plain that he thought to frighten me into a Compliance with him but I beleive he found I stuck to my point more resolutely than he expected We did not go thro' all the Bills at that time On Tuesday we met again & he then desired that we mig[ht] argue the thing coolly together I assured him it would not be my fault if we didn't but I soon found that he was then endeavouring cunningly to draw me into a Snare & when he came to an Article in one of the Bills wherein I charged according to the Ordinance [torn] for a Declar he said he could not dispute it because he ha[d] drawn it for me without my Orders but to prevent it for the future he had drawn up (& produced) a List of Declar which he demand- [torn] I should Draw; I told him as it was not customery for any [torn] the Province to draw them he must show that it was my Duty before I would do it He then Desired the Judge to remember that I had refused it Next he asked whether I would except of 2/ for the Writts that had been returnd Non Inventus & had been renew'd I told him he must first return the Old Writt & pay me for the Return as Usual & that then I would take the 2/ for renewing it Upon which he desired the Judge to bear Witness that he was ready to pay me 2/ for the Writts & that I had refused it Next they proceeded to disallow Several things in the Bills as before but at last the whole of it clear'd up in this that if I would Agree with the Att^{ys} as former Clerks had don my Bills should be taxed as formerly & this Judge D P advised me to I positively refused it & took the liberty to tell the Judge & Att^{ys} that it was

a plain Confession that they were all of them either doing me injustice at that time in not giving me my due or that they had formerly don the Clients injustice in makeing them pay more than was due because the Lawyers & Clerks worked together to divide the plunder & that they would do them the same injustice over again for the future if I would likewise give the Lawyers share None of them gave an Answer but Collins fell into his usual abusive ill Language After which we parted

I inclose S^r a Mem^m of the Amount of what has been kept from me this Court but used to be allow'd formerly

The May^r Record^r & others heard of what had pass'd first from Others & than from myself & express themselves with indignation at the shamefull usage (as they term it) that I have rec^d both from Collins & D P who is quite a tool to Collins Both the M. & R. hint[ed] to me that the Gov^r could silence Collins I said such a thing [per]haps might not be pleasing to the People as he had the [torn] employ they assured me that on the Contrary it would give general Satisfaction for that it was not only I but every one that had any thing to do in the Courts were insulted by him & that he was an Obstacle to the business of the Courts going [torn] any Satisfaction & several instances can be produced [torn] misbehaviour in things relateing to the Courts & some of them very black ones. This S^r of his being Silenced if it was thought proper might make things easy or else a New Commⁿ of Judges. Gerritse being very infirm & almost Non Compos: & De Peyster very evidently sway'd by Collins if this was liked I don't doubt good impartial Judges might be got The Three that come into my head are Maj^r Staats who is now Second Judge he lives in the Country & I have not seen him but they say he sometimes opposes Collins strongly. The Record^r who has some knowledge of the Law join'd to Natural good Sense & I take to be quite honest M^r Nicholls who is first of the Assis^t Justices & bears a good

Character. This S^r I take the Liberty to write of at this time that if any thing is thought proper to be don Coll. Johnson may be consulted but I beleive Collins being Silenced would be better liked than the Judges being changed & would more effectually Remedy the Disorders that now prevent the business of the Courts going on regularly for they have carried it to that height that they have Stopt takeing out any Writts & [torn] business (as V C. & W. own) in hopes that would make me comply with them but they are very much out in their Politicks I hear Collins said to day that he [torn] despair of br[ing]ing me to & I was glad to hear [torn] time that my not Compliance was [torn] find with me Haveing [torn] shall only add that I am in health [torn] to my Moth^r & love to my B^{rs} & S-[torn] to write Please S^r to b-[torn]

[Signature torn away]

Since I wrote the above I find from Coll. Johnson that he inten-[torn] for Collins's being Sile-[torn] July [torn]

To Dr. John Mitchell

[Unsigned draft in Colden's handwriting]

July 6th 1749

To D^r Mitchel

Dear S^r

I had not the pleasure to know that you have thought of me so often as I perceive you have don by yours of the 25th of March last which is the only one I have receiv'd from you since you left America. My pleasure however is increased as this letter restores the hopes I had once intertain'd & I had given up as vain. M^r Collinson inform'd me (& which was the only thing I heard of you) that you had assisted at the framing a

title page to the Indian History but as I do not write to serve the same purposes for which the Booksellers print I never could have consented to such kind of Title page I was still more surprised to find my name affixed to a Dedication to M^r Oglethorp a Gentleman of note with whom I have no kind of Acquaintance I was desirous to have had the Dedication in the New York Edition to M^r Burnet then Gov^r of the place reprinted in the English Edition as some token of my esteem of & gratitude to the Memory of that Gentⁿ who remain'd my friend to his Death Nothing is so like to make me vain of that performance as your telling me that the Duke of Argyle ¹ was pleas'd with it & would be pleased to see the prosecution The present Duke's Character is so well known in the world that every man must think it a great honour to have any share in his Grace's esteem but I have some more particular reason to desire it from the great regard my father allwise had to that noble family and the Confidence one of them once placed in him The present Duke's Grandfather ² after he had made his escape from the Castle of Edinburgh discover'd himself to my father who happen'd to be at that time in Ireland & my father was of some use to him in assisting him to go from Ireland to Holland The present Duke's father ³ had some esteem for my father as I have reason to think by his doing my father the honour of a visit every time he came into that part of the Country where my father lived & I remember to have seen him two or three times at my father's house I shall endeavour to prepare something on the Indian affairs & send to you that you may lay before his Grace if you shall think it deserves his reading in which I shall endeavour to give his Grace all the information I can & without any view of its appearing in print

But S^r You lay the strongest obligations upon me by the concern you express for my personal interest &

¹ Archibald Campbell, third Duke of Argyll.

² Archibald Campbell, ninth Earl of Argyll, died 1685.

³ Archibald Campbell, first Duke of Argyll, died 1703.

Character which makes the deeper impression at this time when I have met with the greatest malice not only undeservedly but ungratefully & therefore I perswade my self it will not be tiresome to you read some account of the publick transactions in which I have contrary to my inclinations been engaged It will be necessary for me to give you the state of the publick affairs in this Province before I began to intermeddle with them for without this you cannot understand the true grounds of the publick Dissensions & the motives which led to them I shall indeavour to be as concise as possible that I may avoid being tiresome

M^r Clinton our present Governor was educated in the Sea Service & was litle conversant in any other publick affairs & therefore found it necessary for him to confide in some persons in this place for advice On which Occasion M^r Chief Justice De Lancey had great advantages in recommending himself to the Governor's confidence by his office & his being of the Council but principally by his Disposition to good fellowship which suited with the Governors humour The other Gentlemen who were senior to him & formerly had been principally advised with soon found that he had receiv'd prejudices against them & resolv'd to give no interruption I had some years before that time retir'd to the country & I was so far enter'd into some philosophical speculations a specimen of which I had a litle before that time published that nothing I desir'd so much as to be at ease to prosecute these amusements as the fittest for an advanced Age My wish was & still is *Otium cum quadam dignitate*. I was far from interrupting any scheme that was then on foot & consequently I was well with the Gov^r & his friends when I happen'd at any time to be with them Chief Justice De Lancey made use of the Govern^s confidence to have the Council filled up with his relations or persons dependent upon him & at the same time by pursuing popular maxims established a powerfull Faction in the Assembly which he chiefly did by perswading the Gov^r to make such con-

cessions to the Assembly (tho' contrary to his Majesty's Instructions) that all the officers of the Gov^t became entirely dependent on the Chief Justice & his Faction in the Assembly both for the nomination to their offices & for their Sallaries or rewards for their Services & in effect the Gov^r had inadvertently put the whole executive powers into their hands. When this was don the Chief Justice began to put in execution his principal plot viz to make the Gov^r tired of his Govern^t & to get it to himself by some easy composition For this purpose all the litle arts were practised to give the people a mean opinion of the Gov^r & every difficulty thrown in the way that might perplex him in his administration while at the same time under some pretended disgust he withdrew the Assistance he had before given the Gov^r by his advice & friends The Orders for levying men for the Expedition intended against Canada coming at this time gave him a still fairer Opportunity of perlexing the Gov^r & the Gov^r summoning me at that time to attend the Council I was surprised at the state in which I found him

The Governor by his Orders was to ingage the Six Nations of Indians & as many other nations as he could to join in the Expedition against Canada They had before this shewn so great a dissatisfaction with us occasion'd by the ill usage they had met with from the Traders & others which was increased by the artifices of the French emissaries among them that it was thought impracticable to engage them in the War against Canada and as the attempt by land could not be carried on without the assistance of Indians the Faction had great hopes from hence to throw such a disgrace on M^r Clinton's administration & conduct that he should not be able to support himself under it For this reason M^r Chief Justice of all of his Faction under various pretences refus'd to attend the Gov^r to Albany & put it on me to go for from our constitution it is necessary that at least three of the Council attend the Gov^r on such like occasions This the Gov^r told me for I was not present

when this matter was debated in Council & I heard him afterwards charge them in Council with this refusal which they at that time did not deny.

When the Gov^r went to Albany he did not suspect that he would have had any other care put upon him than the other Gov^{rs} on the continent had besides that of the Indians But M^r Gooch ¹ not coming thither to take the command of the Forces which rendezvous'd at Albany that care likewise fell upon M^r Clinton without any instructions how to behave in such case Here a number of undisciplin'd men were together great numbers of them probably transported Felons all arm'd several companies without provisions & all of them without pay All their Camp equipage & necessaries for their March by land & water into the Ennemies Country to be provided without any directions on that head but what he took from the necessity of the Service. The Gov^r remain'd at Albany under these difficulties above 3 months in which a malignant fever raged all the time of which as many daily died considering the numbers of the inhabitants as have in places infected with the plague At the same time none durst go without view of the Sentries but in danger of being barbarously murder'd by the ennemy Sculking Indians as several were who unadvisedly adventur'd further. I shared with the Gov^r in all these difficulties with this additional hardship of neglecting all my private affairs without any allowance either for my service or expences for the Council of New York have no allowances for their Services either from the King or the Country

You know what the Gov^r did as to the Indians by the printed account which you have seen After no hopes remain'd of the Arival of the fleet so as that the season of the year could permit them to proceed to Canada a plan was concerted at Albany to attack the French fort at Crown point with the forces then at Albany to which 2000 of the New England forces were to be added which would have made a body of 5000 effective men.

¹ Sir William Gooch, Lieutenant-Governor of Virginia.

From the best informations we could obtain there were not more than about 12000 men in Canada able to bear arms. Canada extends along St. Lawrence River about 200 miles in lenth on each side of the river & the Settlements are no where above six miles from the river So that there must be a vast extent of Frontier to defend & from y^e best &c. By this plan 1000 Indians were to be sent in in small parties through the whole extent of the Country By the incursions of these barbarous enemies it was presumed that the French would be disabled from drawing any body of men together for the relief of Crown point Another 1000 Indians was to go along with the Forces to scour the woods & prevent surprises or falling into Ambuscades This plan was communicated to M^r Shirley & Admiral Waren who both of them approved of it & all who have seen it so far as I know or have hear'd were of opinion that it could not have faild of success The forces were all in readiness to march when the Arival of the French Squadron on the coast of Nova Scotia put a stop to it You know I suppose that this French fort at Crown point was built in the time of the last peace upon the K of Gr Brittain's Territory & that from this all the incursions were made on the Brittish Colonies during the war & This fort must be taken before a body of men can with any safety march into Canada by land.

This enterprise being now stopt the Gov^r was desirous to do every thing that could be don with the forces at Albany & for this purpose he for security of the Frontiers & annoyance of the Ennemy resolv'd to march them to the Carrying place above Sarahtoga A pass between Albany & Canada by which the forces must march in their way to Canada & by this likewise or near it all the Ennemy's parties make their incursions on our Frontiers There under the cover of these Forces he intended to make a small fortified Camp in which he intended to leave at least 500 men all Winter If the Expedition had gon on this must have been don to secure the communication with the Forces by land that march against

Canada Doing it now was doing so much in advance for next year & in the mean time it would more than any thing else that could be don secure the Frontiers from the Incursions of the ennemy & would be of great use in sending out parties for the annoyance of the Ennemy & obtaining intelligence The Assembly had put the Provisions for subsistence of the Forces rais'd in this Colony into the hands of their Commissioners at Albany it was necessary to know whether they would take care of the Provisions on the March & while the forces were at the Carrying place & therefor the Gov^r directed me to ask them whether they would or not I told them that as the Assembly had intrusted them the Gov^r was desirous they should continue in that service but if they refused he would be under a necessity of apointing some others On which they objected that the Assembly had made no provision for the transportation of the provisions & they could not take that charge upon themselves To which I answer'd that as the Assembly had undertaken to find their forces with Provisions in the intended expedition the transportation of those provisions seem'd necessary incident But they were not willing to trust to the Assembly & upon this I had the Gov^{rs} assurance that if the Assembly did not make provision for this charge he would pay it And upon this assurance they said they were willing to take care of the Provisions on the March & at the Carrying place Upon which the Governor gave his orders for the March of the forces & for erecting the Fortification at the carrying place & then left the place after above 3 months stay in it as before observ'd it being necessary for him to meet the Assembly at New York

After he was gon the commanding officer had every thing in readiness when the Assembly's Commiss^{rs} refus'd to give out any provisions for their March on which after having held a Council of War they took by force out of the publick stores as much Provision as was necessary for the March & gave or at least offer'd to give a receipt for it as every Captⁿ declared himself willing to

give for what share each had for the use of his Company How the Assembly's Commiss^{rs} came to change their mind after the Gov^r left Albany I know not but that it seems probable they had been tamper'd with in some manner or other. The Season of the year was far advanced before the Gov^r could take this resolution of marching the troops to the carrying place for it could not be don till after he was assured that the French squadron had left the coast & this obstruction of the Provisions delay'd so much that when the forces came to Sarahtoga the officers concluded that the men would not be able to bear the Cold in the night so long as would be necessary to make the Fortifications which the Gov^r had order'd to be made at the carrying place & therefore stopt short there & only enlarged & added some new wooden bastions to an old fort there tho' the most disadvantageously scituated that any place could be for defence in a low unhealthy bottom every where surrounded by hills from whence the men on the parade could be seen to the soles of their feet. The forces return'd to Albany leaving a double Garrison at Sarahtoga when the Forces were order'd to March to the Carrying place Several parties of Indian were sent to make incursions on the Frontiers of Canada which was don with the view of perplexing the ennemy as to our design in marching our forces to the Carrying place & to prevent their sending any force sufficient to disturb our men while they were at work These parties made the French desert a greater Tract of Territory than had been deserted by the inhabitants of New York as we were after the cessation of Arms informd by persons that were sent to Canada for the exchange of Prisoners

When nothing further could be don the Gov^r order'd the Forces to Garison a line of small forts quite a cross the Northern Frontiers & a patrole to go every day from one fort to another so that while the snow was on the ground nothing could pass without being observ'd So far as I can judge there was nothing more in the power of the Governor to do than what he did either for an-

noyance of the Ennemy or for security of the Province neither have I heard any one mention that thing that could have been don more than he did & I have good reason to believe that if any proposal had been made to him for either of these purposes it would have been receiv'd with candour & all due attention to it but no one was made

Notwithstanding of this the Faction at New York (at the head of which it is well known Chief Justice De Lancey was) were industrious in propagating the most malicious & base slanders of the Governor among the People & particularly that his Treaty with the Indians was all grimace & without sincerity That the Indians had no intention to enter into the War & would not. For this reason it was thought proper to publish a circumstantial account of that Treaty (which you have seen) & likewise to bring the first Indian party to New York which had made incursions into Canada & to allow them to make a procession through the streets with their prisoners & scalps after the Indian manner that the people might be convinced by their own eyes of the falsity of the stories which had been propogated among them

Immediately after the Gov^r return'd from Albany he met the Assembly & that he might as far as in his power prevent any misunderstandings at this time he sent to the Chief Justice a copy of what he intended to say to the Assembly for his opinion & advice The Chief Justice after having kept it 2 or 3 days return'd it without saying any thing to it I then advised the Gov^r to send for the Chief Justice & to ask his opinion & advice by themselves which he did The Chief Justice again carried the speech with him to consult as he said with some others of the Council his friends After some time he again return'd it with his approbation of the Speech so far as the Gov^r understood him at least he made no objection to any part of it The Gov^r likewise communicated it to the Speaker of the Assembly who very frankly declared his Approbation of it & I

believe did it sincerely for he was not then let into the Secrets of the Cabal I mention all these things particularly because from the Assembly's answer to this speech the dissensions in this province began to make their publick appearance & I think the Gov^{rs} conduct in this shews that he endeavour'd to avoid them

Among other things this Session the Assembly Voted me a Delinquent & that the attorney General should be directed to prosecute me as such for a person of my rank & influence (as they were pleas'd on this occasion to say) to threaten to turn out Commiss^{rs} apointed by the Assembly tho' nothing more appear'd to the house on their examination into that matter than what I before mention'd that I told the Com^{rs} that the Gov^r would be under a necessity to apoint others to take care of the Provisions if they refused to do it & in truth nothing else could appear I shall not trouble you with these contentions which appear too much on the Votes of the Assembly but shall leave the papers on each side to speak for themselves & go on to give you an account of things rather than of Words

Some time before or about the time of the meeting of the Assembly M^r Shirley sent a proposal from his Gov^t to Gov^r Clinton desiring that Com^{rs} may be apointed by the several Colonies in North America to meet together to concert some plan for their joining together in the prosecution of the War & mutual defence of the Colonies & for settling the Quota of each Gov^t for carrying on this Service. Tho' I believe neither M^r Shirley nor M^r Clinton expected any success from such a congress yet they both yield to it. None of the Colonies to the Southward of this sent Com^{rs} The Com^{rs} of Massachusetts Bay & Connecticut only met the Com^{rs} of New York at New York & here they Treated together more like the Ministers of independent States than the subjects of the same Prince & as nothing happen'd in consequence of this Treaty I shall say no more of it

In the Winter following a Proposal came from Boston for attacking the French Fort at Crown point with the

Forces of the New England Colonies & of New York But this enterprise appear'd to be so hazardous at that Season of the year that Both New York & Connecticut refused to join in it It was proposed to be carried on in the Month of February in that Month the Weather is the most uncertain in this Climate of any Month of the year Sometimes it is so excessively cold that it was apprehended the men could not be able to withstand under all the precaution that could be taken to defend them against it At other times a sudden thaw happens and as it was proposed that the Forces were to march on the Ice on this case the thaw might happen with most unhappy circumstances & it was thought that whether the Frost continued or not the Enemy must have the advantage over us at this season

In the Spring of the year following Gov^r Clinton & Gov^r Shirley agreed to prosecute the plan for attacking Crown Point which had been concerted at Albany the summer before & that Plan having been approved off by the Councils both of New York & Massachusetts Bay Preparations were made both at New York & Massachusetts Bay for putting it in Execution Twelve hundred Indians were actually on their March to Albany to join the forces there There was one thing more added to it on the part of New York which was to be prosecuted by New York seperately from the other Colonies & which was thought of great consequence for inlargeing the Brittish commerce among the Indians & they had a most favourable opportunity at this time to put in Execution

Oniagara is a most noted pass for carrying on the Trade through all the Great inland lakes & among the numerous Indian nations which border upon them Every thing which is carried to or from these nations either from New York or Canada must pass by a small fort which the French have there in which they constantly keep a small Garrison This Fort was built since the Peace of Utricht tho it be in the Territory of the Five Nations who by that Treaty of Peace were declared sub-

jects of Great Britain before that time the French had only a simple trading house or store house there. The Missisague Indians a numerous nation that lives on the North side of the Lake Huron & who have great influence on the neighbouring nations had some misunderstanding with the French about the time the War broke out & at the last Treaty at Albany sent Deputies thither as was taken notice of in the printed acc't of that Treaty who join'd with the Five nations in declaring War against the French in Canada. They kill'd a French officer & sixty men at Detroit a place between lake Erie & Hurons lake where the French have a settlement & at the time I am now writing of they had blocked up the Fort at Oniagara & had put an entire stop to the French Commerce in those parts & which was of the last consequence to them.

The Gov^r having information of these things resolv'd to attack this Fort at Oniagara at the same time that Crown point was to be attacked & to take possession of it Four hundred men with four ps of Cannon six pounders were thought sufficient together with the Misisague & other Indians that he was assured would join them to effect this. By the Plan the men employ'd in these two Services were to be paid by the Crown & the Artillery Arms & Ammunition &c likewise to be found by the Crown the Provisions & the Transportation to be at the Charge of the Colonies. It became then necessary for the Gov^r to apply to the Assembly for their proportion of this Charge The Assembly's answer was in effect that they could not grant the Supply unless the whole design & plan of Operations were laid before them that they might Judge of the plans being well concerted It is too evident that the members of our Assembly are no judges of any thing of that kind yet there was a more material objection that if the plan of Operations had been communicated to them they must have become the next day the common subject of discourse of the whole town & must without doubt have been very soon discover'd to the ennemy & for that

reason the Council advised the Gov^r by no means to disclose the plan Notwithstanding that the enterprise was in general explain'd to several of their members the Assembly remain'd obstinate & refused to make provision for the expence of any interprise unless they were let into the whole secret of the affair And by this obstinacy both these Interprises were dropt. The Gov^r was under a necessity to send to stop the Indians who were in full March towards Albany This gave them such Jealousies of us that had like to have had bad consequences by the impressions it made on their minds & gave the Gov^r much trouble to prevent

The forces at Albany remaining thus without Action disapointed of all their hopes of conquest & plunder without any pay from the time they were levied & almost naked without cloaths began to mutiny The Gov^r had no directions as to their pay & had put them off for some time with the expectation of his receiving some directions about it early in the Spring but now a twelvemonth being passed without any direction or order taken the men began openly to threaten to take their pay by plundering the Country The Governor than applied to the Council & Assembly for advice & assistance both answer'd him that there was no other method but for him to take up the money from the Merchants by his Bills on the Treasury of Great Brittain He than insisted that as he had no directions to draw or to pay that he be indemnified in case of none payment of the Bills as he had no advantage by it & it was don for the Preservation of the Colony But this was refused & no merchant would let him have any money but on his Bills drawn in the usual form of a Bill of Excha^g by which his person & estate were made security for the payment While these Altercations continued between the Gov^r & the Assembly the soldiers grew more & more mutinous the inhabitants of Albany & of the neighbourhood became exceedingly apprehensive of the mischiefs they were thereby exposed to and likewise the Frontiers were in danger of being totally deserted & ex-

posed to a barbarous & cruel ennemy who could not remain long ignorant of these disorders among our Forces The Gov^r then sent out his Orders to the Several Reg^{ts} of Militia in this Province to choose every tenth man by lot to hold himself in readiness to March on an hours warning This was industriously represented every where as an act of Despotic & Tyranical power assumed by the Gov^r without any Act of Assembly to support him in it Even messengers were sent on purpose into the several Counties to influence the People & thereupon a general disobedience to these orders ensued

In this & in several other Instances the Assembly made use of the necessity of the Service to free themselves from the expence attending it & to throw that Charge on the Crown & likewise to weaken the Gov^{rs} Authority. For they not only gave out that if any sinister accident happen'd the Gov^r would be answerable for it but by some persons infuseing into the minds of the people not only that the Gov^r ought to pay but that he had actually receiv'd the money for the payment of the men there was reason to fear that the Mob would rise & use violence with the Gov^r & those who were thought to advise him. The Gov^r was then forced to draw for the payment of All the forces which rendezvous'd at Albany Things remain'd in this state till about September when the Gov^r receiv'd orders for the disbanding of these forces & these were the only orders he receiv'd since the first orders for the levying of them

It was evident that upon disbanding of these forces the frontiers must be naked & exposed to the ennemy The Gov^r therefore told the Assembly that if they would continue the officers & men on the same pay which they had from the King he would engage to retain any number of them they were willing to pay This they refused but voted to keep 800 men on a plan of their own by which the Captains pay was to be reduced to 8/ of this Currency & in proportion the subaltern officers and the mens pay to be doubled which was not more

than common tradesmen & day labourers earn in this Country The Gov^r set forth to them that on this plan of theirs the expence of mentaining such a body of men would be greater [than] on the plan he proposed as appear'd by a state of the charges on both plans And that he could not engage to retain the number proposed upon that plan besides loosing all the Captains & officers he could confide in who absolutely refused to serve upon the Assembly's terms But the Assembly remain'd obstinate and after he had allow'd them to employ what persons they pleased to inlist men they could not retain above 500 men & the Gov^r was under a necessity to levy the other 300 men in Connecticut during the Winter at a still greater expence & these new men whereas if the Gov^r had retain'd those he proposed by their being in the service above 12 months had learn'd some degree of Discipline they would have been of much more use From the disbanding of y^e forces we were only on the defensive & the ennemy being freed from any fears of any attempts upon them more freely made their incursions on our frontiers & we had suffer'd exceedingly if the suspension of Arms had not very opertunely deliver'd us from farther attempts upon us

Now since the Peace the French are sending out large parties of men to destroy the Indian nations formerly their friends but who join'd with us in the last war while the Governor of New York for want of money is disabled to give them any Protection the Consequences of which may be very bad & destructive of the British influence among the Indian Nations every where

It is computed that the Northern Colonies including Virginia to the Southward have at least two hundred & fifty thousand men able to bear Arms & that the New England Colonies & New York have at least four times the number of men that Canada has & New York alone above four times the quantity of money None here doubt that the New England Colonies & New York are sufficient of themselves to reduce Canada without any other assistance from Great Brittain but Ammunition &

Arms some good officers & a Squadron of ships to prevent relief from Europe The Conquest of Louisbourg was a much more difficult attempt being a much Stronger fortification than any in Canada & at Louisbourg no Indians could be employ'd whereas they would be of the greatest Service against Canada And the English can bring a greater number into the field than the French can

How comes it then you'l say that so little has been don this War It is entirely owing to the Defects in the Government of the Colonies which if not timely lookt into & remedied will produce mischiefs of a different kind & among other mischiefs an entire destruction of morals

As to the facts which I have advanced full proof of them may be found on the Minutes of the Council & Votes of the Assembly And yet notwithstanding of this you'l not easily I believe be perswaded that any people could be prevail'd on to act against what is so apparently for their Interest But you must have before now observ'd what Faction has at times don in every Country & that you may better understand how it has been enabled to work in this Country I must observe to you 1 That the generality of our Assembly consists of men of the lowest rank of People & very ignorant who greedily swallow every story to the prejudice of their Superiors 2 The far greatest numbers of the People in North America are of levelling or of Republican principles the most considerable families being the descendents of Independents & other Dissenting religious Societies or originally foreigners (in New York especially) from Holland who know as yet so little of the English Constitution that great numbers of them do not understand the language 3 In New York there was another consideration which had a strong influence in every thing relating to War with Canada In the time of Queen Anne's War the People of this Province by means of the Indians on both sides made a kind of Neutrality between them and Canada by which they carried on a most beneficial trade & by it several rich families

got their estates During that War this Province remain'd in Peace the Farmers at the plow on their frontiers while New England was in many places desolated with fire & sword & sometimes so near our borders as to be seen from thence The French Indians brought their plunder often to Albany & were there again re-fitted Great numbers at this time were desirous to live in the same manner in safety & with such advantages in trade while the commerce between France & Canada was obstructed by sea in the last War Now then if there be man unsatiably ambitious in such a Country as this with the advantage of Power & riches a Man who thinks every thing right that serves his purpose however base & dishonourable it be in itself & who has resolution enough to stick at no means that serve his Designs you may believe that such a man with such tools as I have mentioned may do strange things And S^r Such kind of men (even under the mask of men of honour) are more frequent then people who are not well acquainted with the World can imagine

To John Colden

NEW YORK July 16th 1749

Dear John

I have yours of the 6th You need not make any excuse or have the least uneasiness in writing frequently to me for I shall allwise be well pleas'd with it tho' I may not have time to answer your letters But at this time you may be assured I think your writing necessary & I went both to M^r Alexander & M^r Nicholls on what is the Subject of your letter & the result of their opinion is

That you should be very carefull in refusing a writ because they may either come on you for Damages which may be very great or prosecute as a Breach of your Duty or both. I suppose that you did not refuse the writts

but only insisted on your fees before you deliver'd it. M^r Alexander & M^r Nicholls both say that the shilling more upon an alias or pluries was never refused by any attorney in this place And if there be not some entry of the Sheriffs return either non est or quia Vic. non comisit breve that is because the Sheriff has not return'd the Writ an Alias does not properly issue If he insists upon a writ without such entry or return give him a Writ without an alias in it & then he will loose the Benefit of his former writ If any entry be made you are entituled to your fee M^r Nicholls says that when a writ is not return'd the regular practise is a writ to command the Sheriff to make his return but the practise is a new writ with that entry of the Sheriffs not having return'd his writ tho' he thinks that this method is not regular. In this case of the writs you are never to refuse the writ but make it out & then refuse delivering till you receive your fee. I do not see how it comes that your Bills are taxed or need to be taxed if you receive your fee when the work is don & you are to insist on this as much as possible Both M^r Alex^r & Nicholls say you ought not to make any agreem^t with the Attorneys. If Your Judges Acted regularly they would leave the taxing of the Attorneys Bills of Cost to the Clerk as is don in this Town & also in England If the business of the Courts stop by their not taking out of writts they will be sooner tir'd than you but if it stop by your refusing to make out the Writts it may be dangerous to you & therefore be carefull as to this particular

If you do any service not particularly allow'd for in the Ordinance you are not withstanding to demand & take a reasonable fee In this all agree As to the other matters in your Letter I will advise with Coll Johnson & I believe something will be don that your friends will like inclosed is a letter from Coldengham they were well on the 13th I am in perfect health &

Your affectionate father

CADWALLADER COLDEN

Books sent for to England for you

Coke's Institutes 4 Vol. folio

Lilly's Practical Register 2 vol. fol.

Lilly's Conveyancer, folio

Instructor Clericalis, 6 vol. octavo

Office of Clerk of the Peace

Office of Clerk of the Assize

Jacobs Law Dictionary

Quinctiliani Institutiones Oratoriæ

From Cadwallader Colden to James Alexander (?)

[Undated, unaddressed, and unsigned draft in Colden's handwriting]

[1749? 1752? 1755?]

S^r

The reading some astronomical or cælestial observations taken notice of in M^r Evans's Map made me think that perhaps it may be of use to you to take notice of one thing which I think a fault in the Account he gives of these observations viz That he gives only the Equal time on which these Phenomena happen'd whereas he ought to have given the Apparent time because the Equal or true time cannot be known without first knowing the Apparent time. The true or equal time is only found by Calculation & if the Apparent time be not at the same time given the Reader cannot know whether any mistake be made in the Calculation In calculating equal time The Excentricity or Greatest Equation of the Earths orbit & obliquity of the Ecliptic must be known but in both these the greatest Astronomers differ Hevelius for example from the same apparent would make the equal or true time different from what Flamsteed would

In giving the apparent time of any phænomenon it is necessary likewise to inform the reader by what method

the Apparent time was ascertain'd for if it was taken from the suns Altitudes Then the Latitude of the Place The suns Declination at the time & the Refraction at that Altitude must be known in all which an error may happen If the time be taken from any altitude of a star The Latitude of the place the Stars Declination & the Refraction at that Altitude & the stars Right Ascension at that time must all be known in every one of which there may be an error as well as in the Calculation

It was for this reason that I advised you in your future observations of the Eclipses of Jupiters satellites to take your time from the suns center passing the Meridean for whatever be the Latitude of the Place or the suns Declination or whatever the refractions be it is then certainly noon or precisely twelve of the Clock

But notwithstanding of all the care you can take in making your observations of these Eclipses they will not from the best Tables agree in giving the same Distance from the Meridean of London

One reason of this I shall mention to you because I know not that it has been taken notice of It is this that the best adjusted pendulum clock does not measure any twenty four hours equally but that in every twenty four hours it some times goes faster & at other times slower I think I can demonstrate this from the cause of this Variation but I would rather that you should discover it from your own observation & I shall next tell you how I think this may be don Observe the difference in time between the passing the Meridean of half a dozen stars who pass at the distance of between one or two hours from each other first when the moon passes the meridean nearly at the same time with the stars & next when the moon is nearly in the horison. The Greater the moons altitude when she passes the Meridean the greater difference in the transits of the stars when the moon passes the Meridean & when she is in the horison but the difference between any one hour & another is so small that it requires the nicest observation & greatest care to distinguish it. If this be confirm'd by

repeated observations I believe I can find an Equation for it

From Fletcher Mathews to John Colden

NEW YORK Aug 2^d 1749

Dear S^r

Yo^{rs} of the 25th of last month Came to hand on Sunday Evening last: and have purrus^d the same Sundry times with the Greatest pleasure and Sattisfaction Emaginable: And Shall Always look upon You to be a Sencer friend and Shall Do Everything in my power that may be a means to Continue true frindship: Between us: I left the Higlands on Wensday last where I left all Friends Well and in Good Health and hope these fue lines may find you and all Frinds at Albany in the like State. Since my last to you our Friend John Jones is Arived Safe at Hermitage But in a poor State of health being mutch troubled with the Tiszik: he informes me that he Does not intend to Engaland till Next fall So that I hope we Shall have the pleasure of Seeing you before then: I hear Very little News in Town at least none worth mentioning it Being Chiefly on partiship: I must Now Conclude in hast with my best respects to Yo^r Self and all Friend Yo^r Assur'd Friend & Very Hum: Serv^t

FLETC^r: MATHEWS

NB yo^r father is in town
and in Good health

To John Colden

NEW YORK Aug 3^d 1749

Dear John

I have yours of the 26th I believe with a litle patience you'l get over your present difficulties & that time

will shew M^r Collins that he has not acted a wise part Tho I recommend patience & to be upon your guard I do not by that mean that you should suffer any person to use you ill without a proper resentment & take care to keep up your Spirits I am exceedingly pleas'd with the accounts I receive from Coll Johnson of your behaviour. This may incourage you to go on He confirms the Character you give of the Recorder Preserve his Friendship Thank him from me for the Friendship he shews you & my Service to the Mayor & M^r Stevenson

Coll Johnson will advise with the Recorder & you & other friends about the apointment of Judges Above all things take care they be honest men & men of sense & then they will be able to support themselves & things will go well but no good can come from ignorant or hot headed people They were all well at Coldengham on the 27th of y^e last month I expect to go home next week. I intend to write to you by Switts on Saturday next I shall be pleas'd to hear frequently from you I shall send Evans's Map one for your self & another for Roseboom yours Colour'd & his plain by Switts
Your affectionate fater

CADWALLADER COLDEN

To John Colden

NEW YORK Aug 5th 1749

Dear John

I wrote to you on thursday last by Coll Johnson which I doubt not you will receive & therefore I need not repeat any thing contain'd in it You will receive with this a Map which M^r Evans has sent to you as appears by the endorsement on it & another to D^r Roseboom which he subscribed for. I have hear'd nothing from Coldengham since I last wrote The Assembly was prorogued yesterday with a speech which I suppose

you will see in print. I think all disputing is now at an end & the Controversy must be determined by the King & his Ministers & what is likely to be the result every one may guess from the proceedings in this last Session which are in print. I make no doubt of returning home next week & if I hear any thing from home before I go I shall let you know of their health or any thing else you may be desirous to know Write frequently to me for I receive a good deal of pleasure from your letters & be particular in every thing relating to your own business I shall have more time at home to answer any thing particularly than I have while in this place My Service to D^r Roseboom & all friends It is a fortnight since I heard from West Chester I am

Your most affectionate father

CADWALLADER COLDEN

To John Colden

NEW YORK Aug 15th 1749

Dear John

I have yours of the 8th & I have talkt with M^r Nicholls on the subject Matter of your letter to him He is of Opinion that you cannot go contrary to the orders of the Justices in their Session but issue the common process which is a Venire. But as the Inditement is defective in not specifying the words which were spoken the person indited be not suffer'd to plead to it & that you inform the Court of the defects that they may quash it & Charge a new Grand Jury to enquire into the words If the Court should suffer him to plead the person may be acquitted from the Defects in the Inditement tho' really Guilty Besides the Justices cannot try treasons before them This is what M^r Nicholls said to me on our discourse together on that head but he intended to speak to Ben Nicholls who Acts

for the Attorney Gen^l¹ to know his Opinion upon it Whether it may not be proper to send a Certiorari to remove the Inditement before the Supream Court & to do this they want the persons name who is indited which you have not mentioned When any Inditement is found in the Sessions for Matters which cannot be Tried in the Sessions Such as Treason & Felony I think that you ought immediatly inform the attorney Gen^l for his Directions You have I think Hawkins pleas of the Croun & I believe you will there find sufficient Directions or in some of the Books for Justice's of the Peace I expect that M^r Nicholls will write to you but in case he should omit or delay I now tell you what occurs to me. I hope you will defeat Collins's designs by patience. they hope to tire you but if you have patience they will be tired first Their is a design perhaps to make you willing to part with your office I have heard such a thing surmised. As to news you may assure your self that tho' the Gov^r could not perswade the Assembly to do what is most for the Benefite of the Country they have given him great advantages over them which the Faction in Opposition to him will feel in time I think you should write to Parker to send you the News paper weekly if your Landlord do not take it or you may join together for the Paper & put him in mind to send you the Conductor Generalis which he is printing & which he says will be finished in October next I had a line from your Sister Delancey of the 11th when they were all well I hope to set out tomorrow morning in my return home No doubt you have seen Coll Johnson before now & receiv'd what I wrote by him & by Switts All were well at Coldenham on friday last tho' I have no letter as they expected me home before this I am

Your most affectionate father

CADWALLADER COLDEN

¹ Richard Bradley.

To John Colden

COLDENHAM Sept^r 8th 1749

Dear John

My last to you was soon after I had return'd home Your brother sent it by a New England Sloop with fish which makes me concern'd least it may have miscarried because I sent the old book of Geography with it & Lilly's ¹ Grammar This Geography notwithstanding of its being old is thought the best as to the General Geography of any yet extent & has been several times reprinted It will be of use to you to read it carefully Before I left New York I sent you two of M^r Evans's Maps One Colour'd a present from himself to you & the other for your Landlord ² for which he subscribed. Your sister wrote some time this Week & sent it to Newburgh M^r Reily ³ now going to Albany I could not let such an Opportunity slip without writing to you His design is to visit Coll Johnson & I suppose you will be ready enough to do him any good office he may want of you as he is an entire stranger in the place We have not heard from you of some time Your last mentioned that Wendel was come Remain steady & take care to give no advantage & the trouble you have now met with will make you easy for the future When you write be particular as to your own affairs for you cannot imagine that it can be in the least disagreeable to me to read any thing that relates to your ease or advantage We are all in good health except your Mother who has had a fit of the fever & Pain of her leg with which she has formerly at times as you know been afflicted She is now much better but confined to her room She is free of pain & has gain'd her appetite & sleeps well

¹ William Lily (*d.* 1522).

² Dr. Roseboom.

³ Charles Lewis Reily.

After your Courts are over we hope you may have a little time in October to see us You may engage the Sloop with whom you come down to call for you if it be not necessary for you to go to New York Your Mother Brothers & Sisters all desire to be affectionately remember'd to you I am

Your most affectionate father

CADWALLADER COLDEN

To John Colden

NEW YORK Oct^r 13th 1749

Dear John

I came to this place at the Gov^{rs} desire on Saturday night with Captⁿ Tenbrook I cannot as yet tell when I shall return home but hope before the Birth day Your Mother longs to see you if you can contrive to go down with a sloop & get her to promise to take you in at your Brothers I hope it may be don without any inconveniency to your affairs & if it be about the end of this month I may hope to see you. Captⁿ Clinton is arriv'd & in favour with the great folks I think it may be well in you to write him a short complement on your hearing of his safe arival & the kind reception he has receiv'd from his noble relations for which reason you ought not regret your own loss of y^e Conversation he had honour'd you with &c When another half years Sallary is due you had best draw for it paya. to M^r Collinson The M^r of the Nebuchadnezar had a letter for me from London but it is lost as all my letters now generally are. If you leave the place you had best leave a Deputation to D^r Rooseboom to Act for you at any time when you are out of the County of Albany & have the Deputation confin'd by express words to that time only of your being absent because leaving blanks may be made an ill use of I am exceedingly pleased to hear you so generally well spoken off & continue to make no

ennemies but such as you cannot avoid by their behaviour not your own I hope your books will come by Nacks M^r Lane's ship by whom your letters went & I hear is arived at London I shall long to hear how your affairs at the last Court have gon & since I never take a miss the length of any of your letters but otherwise You tell me that Collins & you transact every thing by writing let your answers be as short as possible if any answer be requesite & if you can do your Duty without answering in writing it is best where you think you have to do with designing men. As my being in town may be uncertain put your letters under cover to M^r Nicholls & you may desire him to take care of your letter to M^r Collinson when you write to him

Your affectionate father

CADWALLADER COLDEN

To John Colden

[October-November, 1749?]

Dear John

I have yours of the 26th but we are so hurried by the ships going to England that I have hardly any time to my self & I believe the Gov^r will not be able to attend to what the Judges sent down for some days I have receiv'd your books which I design to send in the box they came in marked C⁴C I have taken out Boyers French Dictionary Quinctiliani Institutiones Oratoriae which I design to send up as soon as I have lookt it a litle over I inclose a letter from M^r Collinson of which take notice of the contents I think it will be proper for you to give general directions to M^r Collinson to put any thing to your Account which I shall direct so far as you have money in his hands Pray give my service to Major Van Scaik & tell him that I have not moved in the Warrant of Survey because I think it can

be of little real use but from the temper some people are in it may rather prove of prejudice by inclining them to give an Opposition which perhaps they would not otherwise do I left your Mother Brothers & Sisters all well last week on thursday except that your Mother complain'd a little of a pain she had been formerly troubled with but was somewhat easier when I came away Little Cad was at our house & had a little fever from cold. We hope in a little time to have good accounts of our affairs from Court It is very probable the judges may receive information of their power over the practitioners from Coke's Institutes which you now have sent you

Your affectionate father

CADWALLADER COLDEN

I have seen John Beekman by whom I send your Box who says he had no directions from Maj^r Vanscaik & consequently I suppose he does not expect me but your Brother only

To John Colden

[November, 1749?]

Dear John

I wrote to you last week & sent yours books with a letter from M^r Collins by John Beekman who said he was well acquainted with you I then forgot to inclose one of the letters which I now inclose I have not heard from your Mother since I left but I hope to return home before the end of next week if nothing new occur. I have directions from Gov^r Shirley to send him all the proofs I can of the Rights & claim of the Lands at or near Crown point or towards Canada any where or of the English For which purpose I inclose a copy of Queries to be put to any person who can give sufficient information & to write the same as clearly & distinctly as you

& have the same attested before the Mayor & sent to me as soon as you can. If possible let them be put a shore at Newburgh otherwise directed to M^r Nicholls's care

It will be best to take Lideus's information seperately from the others because perhaps the others may be unwilling to join with him in the same Paper. I am in perfect health Let me hear from you as often as you can I am much hurried at this time & cannot enlarge further You will find the Queries on the other side

Your affectionate father

CADWALLADER COLDEN

To inquire of Cornelius & John Cuylers John Lydeus & of any other person who can give information

1 What nation of Indians Claim the land to the Northward of Sarahtoga If the Mohawks as I am inform'd they do How far does their claim extend, to or beyond Crown point & how far beyond it How long the persons informing have heard of this claim & how they know it

2 Whether they can tell with any certainty how far the Northern branch of Hudson's river extends Whether farther north then Crown point & how far from whom & how they have this information

3 Whether the know of any purchase of the lands at or near Crown point besides that of Dellius by whom & when made & from what Indians

4 Whether they know the Rock Rotsio or Rogeo where it is scituated how far to the Northward of Crown point by common computation Whether they know any other place by that name or by any name similar to it in Pronunciation

5 Whether Dellius's purchase was commonly esteem'd to extend to the Rock Rotsio or Rogeo in Corlaers lake called Lac Champlain by the French

Look into the minutes of Indian affairs to find whether there be not entries made of the complaints of the Mohawks about the time the French first settled

Crown point of its being an incroachment on their lands What their complaints were & request was for remedy or at any time afterwards

If any know any thing material to these points that they say upon Oath what they know before the Mayor & have the same certified under the seal of the Corperation & the Mayors hand Or at least by your self as Clerk for the City of Albany The name of the rock is spellt Rotsio in Dellius's purchase on record & M^r Barclay says that is the proper pronounciation of it

[Addressed:] To M^r John Colden
at Albany

*From Alexander Colden to his father,
Cadwallader Colden*

NEW YORK NOV^r 5th 1749 Sunday night

D^r S^r

Yesterday I had the Pleasure of your favour of the first Ins^t & heartily rejoice to find you were well and safe at Newburgh & that your passage was shorter than what we had reason to expect it would be when you left this. My Dear Sir it is with the most thanfull sense of your paternal affection for me that I acknowled[ge] my unbounded Duty to you for the offers you was pleased to make me while here & to repeat in your letter & 'tho I am at present somewhat streightned for want of money & had you not purposed to employ it (as I hope) to better advantage then by putting of it owt at Interest, I should have thankfully accepted of your Affect^t Offer & gladly have allowed Interest for it. Yet as it allways has & I hope will ever be my Sentiments that no one child should expect favours to the Detriment of his Br^{rs} & Sisters & as I expect it will turn to a better Acc^t then at

Interest therefore decline takeing any part of what you left But shall be glad if you receive any money this fall or Winter which you have not present occassion for that you'd do me the favour to let me have the use of it on whatever lays you may think proper. I hope Dear S^r that you will not take it amiss that I take this method of acknowledging my thanks to you for your affect^t offer. as its my misfortune to be affected in suchwise when you are pleased to speak tenderly to me as renders me incapable at the time to make you such returns as my heart dictates which I flatter my self you are sensible proceeds from a weekness & not from want of sense of the Obligations I lie under to the best of Parents. When I see Court or Nack I shall take care to observe what you write about Shingles & in the mean time if I can procure any & a vessell to take them up shall not fail to do it.

Inclosed is the letter from M^r Catherwood which I mentioned to you by Nack This letter came in Gill¹ (who arrived this day) under cover to M^r Nicholls. I went directly to the Fort & told the Doct^r² I had rec^d the letter & he desired me to open it in order to get the Gov^{rs} which I did not scruple to do as I could see plainly it was only a Cover & I hope you will not disaprove of my doing it There was one Inclosed for the Gov^r & one for Captⁿ Roddam.³ There is letters on board for the Gov^r but he has not yet rec^d them the ship not being come up. One Captⁿ Harvy who had the Gov^{rs} letters chose rather to stay below with the Vessell then come up with the other passengers in the ships boat for what reason I know not I can't learn any News M^r Kennedy desired me to tell you he would write if there had been any news but as there is none thinks it needless & desired me to offer his compliments. Doct^r Ascough promises to write after the Gov^r receives his letters. I write this to be ready for Benthuyssen who talks of going

¹ John Gill, Captain of the ship *Success*, from London. *N. Y. Gazette revived in The Weekly Post-Boy*, Nov. 13, 1749.

² John Ayscough.

³ Robert Roddam, husband of Gov. George Clinton's daughter, Mary.

tomorrow & if I hear of any news in the mean time shall take care to let you know it. I don't hear a word of Politicks talk of Those in the opposition seem all to be hushed.

Tuesday morning

Yesterday forenoon the Gov^r sent for me to dine with him & sent for me up to his room before diner when he deliver'd me the Inclosed.¹ he seems in high Spirits & told me the ministry think he has proceeded in a different manner ag^t C. J.² then he has & all approve of it. M^r Ogilby came in Gill & Suped Sunday night at Phil. Phillips', who asked him how the affairs of ths Province went at home, & if the C. J. Interest was not better then the Gov^{rs}. Ogilby replied no nor if all the men in America were to join together their Interest would not Signify ag^t the Gov^{rs} at which P^s seemed surprized & said what not S^r Peters.³ No not S^r Peters for he has lost his Interest by indeavouring to serve the C. J. Ogilby further said that he was present when S^r Peter rec^d the Acct of Oliver & Cohouns ⁴ affair & that he shruged up his Shoulder, Swearing a great oath he thought they had been mad enough before but that now he thought they were grown desperate. this I learned from one that was in Company.

I waited on M^r Alex^r to acq^t him of this opt^y if he had any Commands he desired his Compliments & said he had no news to write. He told me M^r Paris had undertaken for the Gov^r. He deliver'd me the Inclosed Deeds for Lewis & Baity & I have paid 6/ for each of them for the acknowledging which please to get from them for me.

Doct^r Ascough desired his Compliments & says he wou[ld] write but as the Gov^r has wrote thinks it needless. Inclosed is the letters he put on board Benthys

¹ George Clinton's letter to Colden, dated Nov. 6, 1749, is printed in *N. Y. H. S. Collections for 1920*, 148-50.

² James DeLancey, Chief Justice of the Supreme Court.

³ Sir Peter Warren.

⁴ Oliver DeLancey and Alexander Colhoun.

sen I took them from on board as he will not leave this till next Saturday or Sunday & I am in hopes to return with him. I set owt for Long Island to day & shall return home with the first opt^r after I come from there Benthysen will certainly call for my Br Johny Tenbrook takes up these letters I have sent three b^{ls} Sug^r with him to make certain of his Stoping Please to give my Duty to my Mother & Love to my B^{rs} & Sisters I am with most Dutifull regards to you Dear S^r

Y^r Most Obed^t & Dutifull Son

ALEX^r COLDEN

The familly here & M^r Harison j^r desire their Compliments

From Mrs. Cadwallader Colden to her son, John Colden

NEWBURGH Nov^r 11th 1749

Saturday

Dear Johny

I often wisht we had been longer together and re-grated your spending so much of your time here and we so near your reach, but as it wou'd been inconvenient for you to be out of the way I think you was in the right not to venture up I hope you had a fine passage.

Your Papa, Davie, & I came down yesterday to see your sister Colden, she has been very much out of order with the toothach & swelld face but is now much better; she expects your Brother will set out this day with Bentyson who promised to call upon you whether your Br: came with him or not. I think you are far better off as it is.

Your father had the letters from England by Gill, which you heard had the Gov^{rs} inclos'd. Mr Ogilbie

is arriv'd but how soon he'll be at Albany we know not; The Gov^r & your Fa: has no news but what is every way agreeable to them, when you see Mr Ogilbie youll hear some things which I think will make some people hang their heads. I heartily wish he may be soon with you, his company will help you to spend the winter agreeably. A certain person who came passenger in Gill was asked in company how the affairs relateing to N. York stood & whither the C: J: had not more intrest than the Gov^r he answer'd no not if all the intrest of America were Joynd together it wou'd not be equall to Gov^r Clintons, a gentleman in company was surprized & said not Sir Peeters, no not Sir Peters for he had lost his own intrest in suporting the C: J: It is expected that by the Spring every body will know who is in the right & who in the wrong. D^r Calhown was arriv'd We hear Sir Peter upon being inform'd of his affair with Ol^r shou'd have said he thought those people had acted as if they had been mad already, but now they were quite desperat.

I send with this your stockens which was left, I expect it will go by Bentyson. We desire you'll endeavour to get the Barrell you got with the Pottatoes, filld with sheel'd pease, if not get some of the best boiling ones, & send them in the spring when you can conveniently. Your Papa, Sisters, & Davey Joyn in affectionate love to you. Janey is now going home with us.

There was a Pot on board of Tinbrook with souced Bass for your sister Colden which was neglected to be put on shore, She desires you'll send it down if a good opportunity offers, if not you may make use of it your self. God bless & preserve you. I am Dear Child

Your most affectionate Mother

ALICE COLDEN

[Addressed:] To Mr John Colden
at Abany [*sic*]

To Governor William Shirley, in France

[Unsigned and unaddressed draft in Colden's handwriting]

[November, 1749-March 1750?]

In obedience to your directions which I receiv'd from Gov^r Clinton M^r Hutchinson & M^r Catherwood separately I have indeavour'd to obtain all the Information possible on the heads you desir'd But I know from my inquiries some years since that we have litle or nothing remaining in the registers of what passed in the earliest times when these Countries were first settled by the English & French. The people in this place have too generally so litle curiosity & have been so careless in every thing which has not an immediate tendency to their present gain that litle can be learn'd from them I have assiduously lookt over the records wherever there was any hopes of finding any matter for supporting a title to the Lands where the French Fort at Crown Point is scituated I can find no more on the records but a purchase of the Lands from Sarahtoga to a rock in Corlaers Lake (called Lake Champlain by the French) *from the Mohaws ca[lled] in that deed the Praying Indians* by Godefridus Dellijs at that time their Pastor & a grant afterwards of the same lands under the Seal of the Province. This Grant was afterwards vacated by act of Assembly as being extravagant & too great for one person & the lands vested in the Crown & remain so to this day I applied likewise to several persons who had at several times travel'd from Albany to Canada in order to ascertain the scituation of the places mention'd as the boundaries of that Purchase from the Indians & of the Grant to Dellijs and of the Right or claims of our Indians to the Lands where the French Fort called by them S^t Frederic at Crown Point is scituated. What they say on oath is certified by the Governor I have wrote to my son who is at Albany to procure all the information he can on these heads or any other which may be of use

to you & to be found in the register of Indian affairs kept there & to send me three copies certified under the seal of the Corporation I send no Copy of the Act of Assembly vacating the Grant to Dellius because if of any use An authentic Copy may be had from the board of Trade

I likewise transmit a formal submission to the King by the five Nations of all the Lands on the South sides of Lake Erie called Ochswego the river of Oniagara & Cadarackui lake as likewise of all the Countries conquered by the five Nations what these Conquer'd lands are it is not possible for me to obtain Authentic proofs in this place but I believe it may be easily don from French Authors particularly from Voyages du Baron de la Hontan who if I remember right has marked out on his Maps the places & Countries conquered by the Five Nations It is don either by him or Hennepin & their Testimony I think must be good in the present case

The first discovery of the Mouth of the River Misisipi was made at D^r Cox's expence & his heirs have some claims there His Grandson & heir now lives in New Jersey I shall write to him to send any papers which he thinks may be of use to give a just claim either from discovy possession or [other]wise I intend to send the duplicates of what I now send to M^r Hamilton Gov^r of Pensylvania to be by him forwarded by a ship which is soon to sail from thence & at the same time to desire him to give your Excellency what information he shall think proper

I am very sensible of the difficulties your Excellency must labour under in your present Negotiations The very proposal from France to set bounds to the English Colonies westward seems to have something insnaring in it as with design to restrain the English trade with & any influence on the numerous nations of Indians in the inland parts of this Continent

I am affray'd it will be difficult to perswade the French to give up their pretensions to Crown point or

to withdraw their Garison from thence tho' nothing can be more earnestly desir'd by the People of North America a few traders at Albany perhaps excepted

I think it probable that a line drawn from the head of Connecticut river to the head of Hudson's river would include Crown point that is to say From the most northerly part of any branch of Connecticut river to the most northerly part of any branch of Hudson's river & this I take to be the proper Boundary so far of this Province as it was granted by Charles the 2^d to his brother the D of York Tho' I dare not assert with any degree of certainty that a line thus drawn will include Crown Point from any knowledge I have of the Country I think it will be better to secure our Claim in this manner than to leave the indisputed possession of that place to the French But I am affray'd the French knew what must be the consequence of such a line better than we do I intend to mention this thought to [torn] Hutchinson at Boston because [it] is probable they are better acquainted there with the extent & branches of Connecticut river than we are in this province & you may receive fuller information from thence All the English Maps of the Inland parts of the Continent are either absolutely erroneous or servily taken from the French even as far as to set bounds to the English Colonies from the French maps I have lookt over some of the latest English Maps particularly those in the New Atlas in 2 large Vol. folios & their the Course of the branches of Hudson's river I am certain are absolutely erroneous

There is a Notion intertain'd in this place that the French insist that the Bounds of the French & English colonies are to be regulated according to the Rivers which either empty themselves into the Sea in the parts possess'd by the Englis or which empty themselves into S^t Laurence river or into the parts possess'd by the French And it is thought there was formerly some kind of agreement enter'd into to that purpose If so than it must be intended as to the principal rivers & those which have been longest without dispute in possession of either Na-

tion such as connecticut & Hudson's rivers without question are for if the smaller rivers were intended to be included in this agreement it would occasion such a kind of indenting of Territory as must occasion the greatest Confusion but indeed every thing consider'd most to the prejudice of the English For tho it be thought that the most northerly branch of Hudson's river rises not far from Cadaracui or S^t Laurence river to the westward of Montreal yet the Wood Creek which falls into Lac Champlain & which empties it self into S^t Laurence river arises near Sarahtoga And Another river (which [torn] runs into the Oneydo lake wh[ich] empties it self into Cadarracku[i] lake from whence S^t Laurence river issues) rises about 70 miles Westward from Albany And at the same time some of the western branches of Hudson's river arise not far from Cadarackui lake. The French *by the Treaty of Utrecht* quitting all pretences on the Five Nations must certainly extend to Territory The Rights of the Five nations extends over a large Country They have at all times since the Christians remember any thing in this Country claim'd a Right to the Lands where the French Fort is built at Crown Point & the incroachment of the French has been continually complain'd of by them since the French began to make settlements there & this will appear by papers transmitted to the Board of Trade If I be not mistaken the Lands between Sarahtoga & Lac Champlain are a Conquest from the Scahtecock Indians who live a litle above Albany & are called Les Loups by the French On the whole if the boundary between the French & English Colonies should run from the northermost head of Connecticut river to the northermost head of Hudson's river in the manner before mentioned in a streight line & from the head of Hudson's river and from the northermost part of any Branch of Hudson's river (I suspect the heads of the Branches are not so far north as some other parts of them) in a streight line to the place where St Laurence river issues from Cadarcui Lake and then Cadarackui lake the River of Oniagara & Ochs-

wego lake or lake Erie to be the boundary between them the Southern sides to the English & the northern to the French & the navigation on them to be free to both I am with due submission of opinion that the English would be gainers by this Agree^mt For tho' by it a great part of the Conquests of the Five Nations will be given up yet we have but little advantage from them as the French by their possession of Oniagara obstruct all our Commerce that way & by this agreement the French must give up their Fort at Oniagara certainly within the Territory of the Five Nations it may be dangerous to settle the claims farther to the Southward or Westward & I think neither side have sufficient pretences to settle boundaries farther As to the name Lac Iroquois formerly giv'n to Lac Champlain it must be French & in the Earliest times because the name Iroquois is only used by the French & therefor the reason of that name must be inquired into in the earliest French voyages to Canada

I have directed that the exemplifications & office copies which are sent be made seperately of every Deed that your Excell^y may be at liberty of using such as you shall think proper Dellius purchase seems to be lame but we cannot make it better It is owing to their ignorance of forms in those times

I think it proper to inform your Excellency that while we remain in a state of inaction to say no worse the Gov^r of Canada is doing all he can to alienate the minds of our own Indians from us & to distress out trade with the Indian Nations to the westward & for this purpose detains the English & Indian prisoners in Canada on frivolous pretences that we may become mean in the eyes of the Indians & is inciting the Nations in friendship with the English Colonies into a war with each other

I heartily wish your Excell^y Success in your present Negociation & in all your other affairs with that honour & applause which you deserve & am

S^r

Y

P.S. I am inform'd that Ferdinando Paris in Surry Street London a noted Sollicitor at the Board of Trade has authentic copies under the Seals of New York & New Jersey of all the Grants to the D of York in America

To John Colden

COLDENHAM Dec^r 25th 1749

Dear John

I receiv'd yours by way of New York which you wrote first after your return We are well pleas'd with the care you take of writing by every opportunity to some of us. As they now pass the river at your Brothers on the ice I believe you may write by the post & direct to be left at Corte's. I had a letter of 3 or 4 lines from Collins desiring to know the ready money price of the land I have remaining at Conajohary which he says a Country man wants to buy It is the land which I have given you Take care to inform your self as well as you can of the value & then do what you shall think most for your advantage Land rises wonderfully in this part of the Country. Your Sister Colden sent your Stockens by a Kinderhook sloop whose name she has forgot Your Mother has been so often out of order that she dare not ventur from home & I am affray'd of the Cold that you cannot expect to see either of us at Albany & it is uncertain what your Sisters can do. Make our Compliments to the Family where you It will be New Year probably before this can reach I heartily wish it may be happy to you Your Brother Colden's family are all with us I am

Your affectionate father

CADWALLADER COLDEN

From David Colden to His Brother, John Colden

THE PICTURE OF A GOOD MAN

He makes the interest of Mankind, in a manner, his own; & has a tender & affectionate concern for their welfare. He cannot think himself happy, what ever his possessions & enjoymments are, while he sees others miserable. His wealth & affluence delight him chiefly as the poor & indigent are the better for it; and the greatest charm of prosperity is the opportunity it affords of relieving his fellow creatures, & of being more extensively usefull. He thinks he has discharged but the least part of his Duty, when he has done strict justice to all; and Therefore the communicating advice & comfort, assistance & support, according to the various exigencies of those with whom he converses, is his constant endeavour, and most pleasing intertainment. In the strong & elegant Language of Job, *He is eyes to the blind, & feet to the Lame; he delivereth the poor that cry, & the Fatherless, & him that hath none to help him; the blessing of him that is ready to perish cometh upon him, & he causeth the widdow's heart to sing for joy.* And that he may practice the more large & generous charity, he retrenches useless pomp & extravagance; & by a regular & prudent management, constantly provides for the relief of the necessitous, esteeming this a much more Sublime & noble gratification, then the idle amusement & Gallantries of a vain & Luxurious age.

He not only takes all occasions that present themselves of doing good, but seeks for opportunities to be usefull; 'tis part of the stated beusiness of his Life. He contrives & studies which way he may be most usefull to his fellow creatures, & what that particular Talent is, with which he is intrusted for the Good of mankind. If it be *Power*, he protects & encourages Virtue by his

authority & influence, is the patron of Liberty & vindicates the cause of oppressed innocence. If *Riches*, he is rich in good works, ready to distribute, willing to communicate. If *Knowledge* he counts it his highest pleasure to instruct the ignorant, & administer proper Directions & comforts in perplexing & difficult circumstances; & to defend the cause of religion, & represent it in a Just & amiable Light, & to nothing of this does he want to be solicited, but his generous heart is alwise ready & stronly Disposed for benefice[n]t designs & actions. You cannot lay a greater obligation upon him, than by proposing ways by which he may be useful, or enlarge his sphere of usefullness; for this is the point in which all his views, all his desires, all his satisfactions center.

Ad to this, that he is inclin'd to abate of his right, when insisting too strictly upon 't may have the appearance of harshness & severity; & has such a strong sence of Benevolence, such an exalted Spirit of humanity & compassion, that no considerations of private interest no Diference of Nation or Religious profession can restrain; and which the greatest injuries cannot bare down or extinguish. He aims that his Goodness may be as diffusive as possible, & as much like that of the universal parent, the supreme & eternall fountain of Good, who supports, enlivens, & recreates the whole creation; & therefore, as he is generous in all his designs, he is very fearfull of Disoblidging any, either by word or action: & endeavours in his whole conduct, to be agreable as well as usefull to all. Being candid in his censures, practising to his enferiours the most endearing condescention, & carefully avoiding morosness, & every thing that has the appearance of insolence or Contempt. Finally to conclude the sketch of this most beautifull & honourable Character, the Good man is unwearied in his endeavours to promote the good of others; the ardor of his benevolence is not cool'd, tho' he meet with ungreatfull returns; the Trouble & expence of the service do not discourage him; nay he is ready to give up all private considerations for the sake

of the publick Good or Welfare, & even to sacrifice life itself, when the Good of the world requires it

D^r B^r

This was to have gone with my Last but I went down to Newbrough with Papa & Mama just after I had finished the letter before I had time to write this out & an Oppertunity offer'd to send it towards Esopus before I came home which my S^r embraced & sent it by I hope you have got it not for any great signification that was in it but that thereby you would hear from us severall of the family are writing and will inform you of particulars

I am

Sincerely by all tender [torn]
Y^{rs}

DAVID COLDEN

Coldenham Jan^{ry} 01 — 17 = 14
1749/50

From Mrs. Cadwallader Colden to her son, John Colden

Jan^r 14th 1749-50

Dear Johny

Hearing that Mr Matthews designs soon for Albany I write this to be in readiness I heartily wish he may perform his design that we may be sure that this will be safe deliver'd to you, we don't as yet know whither you have had the satisfaction of receiving one of severals that has been wrott to you since you left this. Your Papa, sisters, Br Davy & I have all wrott at severall times. Mr Crook with his wife were to see us on the 26 past, by whom your Papa & Aly wrott. & one was sent to Esopas last week from Davey directed to his care. We expect to hear particularly from you by Mr Mathews. Whither any of this family will have the much desir'd pleasure of seing you at Albany this Winter seems still to be quite uncertain, there has been some hopes that some of your

Brothers & Sisters would but difficultys of one sort or other still intervene.

Mrs^s Howard, Harrison & Burges,¹ left New York last Sunday & did not get to your Br: Colden's till Thursday they came up the east side & were oblidge to leave their Slay at Courts & walk over upon the Ice, They had a very hard Jant of it, & were much fatigued. The three Gentlemen with your Br & Sist^r came up on friday, & stayed untill this morning, that they all went from us save Mr Howard who is to stay with us whilst they are in the Countrey. There has been some Talk of makeing a trip with your Sisters to Visit you, but I don't apprehend they will, I'm sure Mr Howard will not. We have all had our healths very well ever since you saw us only some returns of that disorder I had when you were here but have been of late perfectly well. We had letters By Mr Harrison of the 16 Dec from Your Sister Delancey She & family were all well only James is still ailing. Mr Harrison saw a letter from her to you at Kingsbridge which he woud have brought along but it was ordered to go by the Post which is doubtless more certain than any way we have from hence

Knox² was not arriv'd last week. We have no manner of News. I wrot you what news we had when Mr Ogilbie arriv'd. I shou'd be glad to know if that letter came to your hand because there was a pair of stockens went with it, it was wrott from Newburgh the Saturday after you went, & was put on board a Kinderhook Man whom your Sister knew not the name of. Mr Parker writes that he sent a Book to you caled Conduct: General^{us} but we know not what Vessall he sent it by.

If you have seen the News papers they have already informd of the two Weddings that has lately happen'd, but least you have not, know then that Mr Barclay was maried to Miss Rutgers D^{cr} 12th, & Mr Aughmuty to Mrs

¹ George Harison was the husband of Jane Nicholls, and John Burges, the first husband of Susannah Nicholls. Their wives were daughters of Richard Nicholls and sisters of Mrs. Alexander Colden.

² John Knox, Captain of the snow *Neptune*, from London.

Tucker the next day.¹ This is all the remarkable Domestic news I know of. Mrs Markham & family are well. Your Br Cad^{wrs} little Jenny has throve very well lately but is now some what out of order which gives them some uneasyness. I hope you have spent the Hollydays agreeably May this New Year prove a happy & propitious one to you Your Father remembers you most affectionately he has nothing to write in particular & is pritty much taken up in Chatt with Mr Howard. God bless you & grant me agreeable acct^s from you. I am Dear Child

Your most affectionat Mother

ALICE COLDEN

Munday 15th past 2 afternoon. Mr Matthews, & Jo: Johnes came in as we were seting down to diner, had it not been for the company we have I beleive your sisters woud have thought of going along that is if your Br Colden or Cad^{wr} coud have gon.

From John Colden

Jan^{ry} 17th 1749/50

Hon^d Sir

On New Years day I had the great happiness to receive yours of Dec^r 25th & I hope there is now Letters again for me in Town by M^r Mathews who I hear is just now Come to Town but don't know where to find him & as M^r Crooke is goeing out of Town tomorrow I cant delay writeing longer than this Evening; the Court being to meet early in the Morning. The letters to My Sisters &c. I have had by me wrote this three weeks but could

¹ Rev. Henry Barclay, Rector of Trinity Church, married Mary, daughter of Capt. Anthony Rutgers, and his assistant, Rev. Samuel Auchmuty, married Mary (Nicholls) Tucker, widow of Capt. Thomas Tucker. *N. Y. Gazette*, Dec. 18, 1749. Mrs. Auchmuty was a daughter of Richard Nicholls and a sister of Mrs. Alexander Colden.

hear of no opper^{ty} to Convey them till now I delay'd writeing to you S^r & my Mother in hopes of having something to offer better worth your Acceptance & I must now beg my Mother, B^r Colden & B^r Cad^{wr} to excuse my not writeing to them being fatigued & it being now Late but propose to Perform that Duty by M^r Mathew. The person that had spoke to Collins about the Land at Canajohary was Marte V Alstyne who offering so litle as £70 for the whole we are not like to Come to any Agreem^t The new Judges¹ very much alter the Face of the Court here & Things I hope will go on agreeably & I may now say that I have nothing to chagrin me & am in good health & S^r That You my Mother B^{rs} & Sist^{rs} &c. may enjoy the same & every other Blessing is the sincere Prayer of D^r S^r

Your most Dutifull &
Ever Obed^t Son

JOHN COLDEN

The Town is full of New Yorkers cheifly opponents who are endeavouring to make a Stir among the People for a new Election

[Addressed:] [Cadw]allader Colden Esq^r
att
Coldenham

To John Colden

COLDENHAM Feb^{ry} 5th 1749/50

Dear John

I was glad on receiving yours by Major Vanscaik & you may depend on my returning every civility you re-

¹ Robert Sanders, Sybrant G. Van Schaick and Rensselaer Nicoll were commissioned on Nov. 28, 1749, as Judges of the Court of Common Pleas, Albany. *Calendar of N. Y. Colonial Commissions 1680-1770* (N. Y. H. S. 1929), 30.

ceive from any person & that I will assist him as far as you expect from me As to warrant of Survey from the Gov^r I suspect it may meet with obstruction in the Council by ordering that all parties concern'd have notice which will delay the affair perhaps for a long time & therefor I think they had best go on upon my Deputation & if they are stopt that will give better ground for a Warrant from the Gov^r & be that as it will I think a survey may be made along the high way & through the land which is not disputed so as to give a near guess at what is truly included within the bounds so as to enable any one to bring on a law suit with safety for so far as I understand from Major Vanscaik it must end in a lawsuit before the dispute with the neighbouring patents can be ended

I once had a thought of advising you to do something in Surveying You know best how far you understand it Your Brother Cadwallader has the only book of Surveying that I have & he is from home if he return before M^r Vanscaik go I shall endeavour to send it to you I have no instruments besides what your brother has got from me except the fine Instrument which cannot be used on a common survey in the Woods. When I go to New York I shall buy instruments for you if any to be sold at New York which are good if not we must send for them from London.

I like the proposal of Aron Steven's son I am sensible you will want a Clerk but you must not trust him with entering on record till he is well used to Copy & you must carefully examine every paper enter'd on Record with the original & not trust that to your Clerk & examine all copies of Record in doing of which carefully observe the Directions of an Ordinance published by Gov^r Burnet Intit. An Ordinance for regulating the recording of Deeds & which is usually at the end of the Bound book of Acts of Assembly printed by Bradford It will be proper to have Stevens' Son bound for some years & to find himself as you do not keep house But

trust as little as you can to any body till you know them well Your Sisters & B^r David are all at Newburgh

I observe on some of your Letters Q D C this is never used but where letters go by sea & from Merchants It has reference to the ships safe voyage I mention it because it may give occasion to some to sneer Avoid on all occasions any singularity which looks like affectation I see you sometimes put a knot or flourish to your name. Write your name allwise in the same manner. Gent^a avoid these flourishes to their name as looking too much like a pedantick writing Master but they often put a private point or stroke in one certain letter or more to discover any counterfitting of their name When your Brother goes on this survey it would be proper for you to be with him to see the manner of working in the field which you cannot easily learn from books Since I wrote what is above I have resolv'd to use my interest to get a Warrant of Survey I would not doubt it at any other time than this when some people take a pleasure in opposing every thing However I make no question of obtaining it

Your Mother would have wrote to you but your Sisters being all from home she had no time as you know she will mind every thing. She remembers you most affectionately on all occasions & I hope you do not doubt of my Love I rejoice to hear every body speak well of you Let this not lessen your endeavours but rather incite you to deserve it Our humble Service in the kindest manner you can to your good friends D^r Rooseboom & his wife & family Your Sister De Lancey & family were well the 27th of last month I am

Your affectionate father

CADWALLADER COLDEN

*Draft of John Groesbeck's Affidavit about the Route to
Canada and Rogeo Rock, March, 1750*

Province of
New York
in America

} ss

John Groesbeck of the City of New
York in the said province Merchant of
full Age maketh Oath deposeth and
saith

That Saraghtoga in the County of Albany lies on a
Branch of Hudsons River which runs Northerly from the
City of Albany That there is a Carrying place about
sixteen miles Northerly from Saraghtoga at the End of
which lies the Wood Creek through which there is a
Passage all the Way by Water to Corlaers Lake called by
the French Champlain Except at a Fall where Canoes
are carried a small distance and that the Entrance into
Corlaers Lake is near the French Fort at Crown Point
from whence it is by Computation about forty five Miles
Northerly to the Rock Rogeo which lies near the Eastern
Shore of the said Lake and nearly opposite to Corlaers
Island on the West side of the said Lake That the
deponent hath been to Canada and always heard that the
said Rock is the Rock called Rogeo And the deponent
further saith that he hath heard the same so called both
by Frenchmen & Indians and knows not or ever heard of
any other place or Rock called Rogeo or the Name of
any other place similar to it in pronunciation

Sworn at the City of New York
the [blank] day of [blank] 1750 before me

*Draft of Peter Winne's Affidavit about Rogeo Rock,
March, 1750, in Agreement with John Groesbeck
and Robert Livingston*¹

Captain Winne says the same with Mess^{rs} Livingston
& Groesbeck that he has been from Albany to Canada six

¹ Written on the back of the draft of John Groesbeck's affidavit.

or seven times that he is well acqu^d With the Rock Rogeo in the Lake Champlain & to the best of his Remembrance he was once upon the Rock that he has heard both French & Indians call it by that Name and hath seen the Indians as they pass'd near the Rock make offerings by throwing Pipes Tobacca or other things into the Lake near the Rock and calling upon the Name Rogeo That the dep^t hath always heard & understood that the Purchase made by Godfried Dellius extended to this Rock & that he never heard of any other Place called Rogeo or the Name of any other Place similar to it in pronounciation. And that the Northermost Branch of Hudsons River extends further North than the Rock Rogeo abovem^d as he was informed by two French Ind^s in the year 1718 & that the dep^t was never informed to the Contrary thereof by any Person whatever. He says Saraghtogoe is between 30 & 40 Miles Northerly from Albany

Katharine Colden's Receipt

[In Cadwallader Colden's handwriting, signed by Katharine Colden, and by her sisters as witnesses.]

Receiv'd this sixth day of March 1749/50 [from my] father Cadwallader Colden the sum of one [torn] pounds being in full for a Legacy left m[e by] my Aunt Elizth Hill in her last will & Testament

KATHARINE COLDEN

Witness

JANE COLDEN

ALICE COLDEN JUN^r

[Endorsed:] Catherine Colden
her Discharge of
her Legacy

*From Goldsborow Banyar*NEW YORK 23^d March 1749 ¹

Sir

I received your Favour of the 23^d Ult^o with [torn] Roseboom's ² desiring me to draw and pres[ent] a Petition to the Governour & Council in behalf of himself and Company for a Lycense to purchase a piece of vacant Land of the native Indians. Upon this I must observe that the quantity of Land he intends to purchase is not mentioned and that he must purchase one fourth more than he can patent which one fourth must remain for the Use of the Crown. Neither can he patent more than 2000 a. in the Name of one person & it is usual to mention the Persons Names but it is not absolutely necessary But fearing the not mentioning these particulars in the Petition might occasion some objection I thought it best to defer it till I should hea[r] from M^r Roseboom about it There has been no Council since I reic'd his Letter & if he takes the Advantage of the first Opportunity to write to me perhaps it may come to hand before the next Council If he does not know the quantity the Tract contains he may mention what he thinks it contains & would be desirous to purchase. My Compliments to him & believe me to be with the greatest Friendship S^r

Your most obed^t hble ServantG^w BANYAR¹ 1749/50.² Jacob Roseboom. See *Cal. Land Papers*, 256; *Cal. Council Minutes*, 375.

To Mr. Lithgow
[Unsigned draft]

Coldenham in the Province of New York
May 1st 1750

Mr Lithgow
Sr

I expect that before this reach you Mr Jos. Davidson will have inform'd you that I have remitted to him a Bill of Echa^s for £100 Sterl^s on your Account This I am well Satisfied is all that can be don for your Benefit Several people of good Credit in Philadelphia have assured me that your Brother's Widow ¹ never receiv'd any advantage in money or goods by marrying your Brother that for some time before his Death she mentain'd him by her labour & Industry & has receiv'd nothing since his Death from his Estate He had sold the one half of the 1700 Acres of Land which D^r Hume left to you him & your two Sisters to D^r Henderson to whom he owed money taking advantage of the Law by which the Surviving Legatees divide the Lands held in joint Tenancy equally between them & of the English law by which a married Woeman cannot convey to her husband or make a Will Your Sister in Law imagining that her husband had sold that half of the land too cheap prevaild on D^r Henderson's widow to reconvey to her this half which her husband had sold & borrow'd money to pay the purchase but finding she could not sell it again to any advantage she made it over to the person of whom she had borrow'd the money. No person car'd to buy any part while it was thus held in common without any partition & I could not sell till the persons who proposed to purchas could agree with the person that held the other half at the same time that they agreed with me As he liv'd at Philadelphia 150 miles distant from hence it took a good deal of time & occasion'd writing of several letters & some expence before it could be com-

¹ Hannah, widow of Patrick Lithgow.

pleated Besides all this there is above £70 Quitrents due to the King upon the Lands which the purchasers must pay On the whole I think the lands are sold to as much advantage for you as it is possible the could be I agreed with the purchasers for £100 Sterl for which they were to procure a Bill of Excha^s As it was difficult to get any Bill at this time I assisted them in getting one from the Gov^r On the whole not one farthing has come into my hands besides the Bill of Excha^s which I have sent I have acted in this affair without any other view but that of doing a good office & shewing my regard to my wife's friends & relations. As your Brothers Widow receiv'd nothing of your Brothers estate & is (as I am well assured) very poor nothing could be gott from her. I have discharg'd her of all Demands you have upon her or the persons to whom she had sold conveying the half which he had bought & on her quitting claim to any thing on that Land Without my doing this I could not finish the agreement I had made for the £100 Sterl which I have remitted to you So that now you can have no farther demands on her or if you had it would be of no use If I had acted for my brother or for a Child I could do no more than I have don & I hope you are pleas'd Pray neglect not to inform me of the receipt of this as soon as you can I am

From Cadwallader Colden to his son, John Colden

NEW YORK May 17th 1750

Dear John

I have yours of the 30th of April & was much disappointed in your not comeing down to us tho' I be perfectly satisfied in the reasons you give for it I would not have advised your having the Commissⁿ of Escheator if we could have pitched upon any other proper person but I do not doubt of your executing it with prudence &

justice If I understand the matter right the whole depends on the Jury & the matter of form is to be your principal care. Your Brother Cadwallader's indisposition has been inconvenient & disappointed several as well as himself but there is no help for it I am not without apprehensions of the bad consequences of it still from his lungs being affected He does not recover well I shall endeavour to look out for a compass for you When you come to Coldenham I shall renew your thoughts on the method of practise in surveying if it be necessary but from the knowledge I know you have in Geometry I think you will not be under any difficulties in the practise I hope nothing will prevent your coming to Coldenham in July next because I believe I shall be then certainly at home

I inclose a letter from M^r Collinson to you & I shall send up your Watch by the first Sloop where I am acquainted with the Master. You must write an answer to him M^r Collinson as soon as this comes to your hand & I think it necessary that you give him Directions to transfer your account to mine by giving my Account credit with all the money in his hands which he has receiv'd on your Account & that he likewise do the same as to any money which he shall receive on your account by giving my account credit for the same When you come to Coldenham I will more particularly inform you of the reason of this as I have several other things to inform you of which cannot be properly don by letter & therefor you must not fail to come down at that time. If another half years salary be due you had best draw for it in the form M^r Collinson advises Send your letter to him open inclosed to me & direct mine to M^r Nicholls's care I believe I shall be in this place till I can receive an answer from you if you take care to write by the first opportunity after you receive this which I desire you will do. Your Mother & Sister Jane are in town with me & in good health Your Brother Alexander receiv'd your last just as wee were going on board at Newburgh last Saturday evening. M^r Lane has the

preference in the choice of the lands but I understood that he aimed at some place near Free hold I cannot tell how you can have yours I mean D^r Rosebooms survey'd otherwise then by M^r Clinton or your self You may certainly borow a compass some way or other for that purpose If I can have time I'll look out for one & examine it but I am affray'd of want of time as I have allwise many things to think of while I am in town Your Mother & Sister desire to be remember'd most affectionately to you

Your most affectionate father

CADWALLADER COLDEN

If you draw on M^r Guerin date your Bills & Letter to him from New York

[Addressed:] To M^r John Colden
at Albany

*From John Colden to his father, Cadwallader Colden*¹

[May, 1750]

Sir

I have the great pleasure of y^r favour of the 17th inst & am glad to hear that you my Mother & Sist^r were well & together at New York I have miss'd no opper^{ty} to write since the Receipt of yours but by Van Alen when I had not time From Van Alen & my Letter to M^r Nicholls you would hear what was done in the affair of Tho^s Powels lands but People have spread such bad & Ill natured Reports about it that I don't care to write about it Least my Letter should be intercepted as I miss some letters myself that have been wrote to me particularly one from B^r Colden

I inclose my Letters to M^r Collinson &c & likewise

¹ Unsigned and undated draft, in John Colden's handwriting, written on the back of his father's letter to him, dated May 17, 1750.

a Mem^m of my Manner of Calculating that you may (if you Please to Peruse it) observe whether I have made any mistake I choose to Calculate the Sum due to me in that manner from M^r Guerins acc^t because I find the Mem: M^r Catherwood gave me of my pay is too little I have desired M^r Collinson to place to y^r Acc^t the Ballance of mine & the Bill that I now draw As I thought it would be as usefull & more regular when ever I drew afterwards to order it to be placed to y^r Acc^t then to give a Gen^l Order for it which I hope you will approve of.

The Partners with me in the Land that we would Patent are desirous that it should be Survey'd soon in order to make Purchase but in Case my time will allow me to Survey it I shan't do it without y^r Leave or Appointment We would be glad to know whether M^r L. haveing the Preference would hurt us in Case we make the first purchase for we are assured that if his Partners can take it from us they will do it

*From Cadwallader Colden to Chief Justice
Robert Hunter Morris, in England*

[Unsigned copy in Colden's handwriting]

NEW YORK June 9th 1750

C. J. Morris
S^r

I find since Bryons ¹ arival that the passing the Gov^{rs} accts has been attended with some circumstances which gives him uneasiness & I suspect may be of prejudice to his other affairs through the misrepresentations (as I imagine) of persons who lay hold of every thing to give him uneasiness & as I have too much reason to expect that the same persons would gladly involve me in the same aspersions which I hear they throw on him I think it necessary for me to declare to you that I never was

¹ W. Bryant, Captain of the ship *Joseph*, from London. *N. Y. Weekly Journal*, June 4, 1750.

advised with or consulted in any matter or thing in any manner relating to those accounts & that I am as much a stranger to them as any person in public office & living in this Province can be till I was told since Bryon arriv'd of some of the difficulties which happen'd in the passing of them. M^r Catherwood knows this well & can if he pleases declare it But I have repeated reasons to think that he intertains some disgust to me & for which I can give no other reason than this that upon the Gov^{rs} advising with me on the powers which M^r Catherwood had perswaded him to give I agreed in opinion with every other person whom the Gov^r consulted on that occasion that they were too great to be given to any man living & that as to him in case of his Death might greatly affect the Gov^{rs} Interest without a possibility perhaps of remedy. I must therefor beg of you to have some guard on M^r Catherwoods conduct with respect to me I would write to M^r Shirley on this occasion were he not in france & its being precarious how my letters come to his hands but when you see him after his return pray communicate this to him I shall be glad to hear of your success in the affairs you went upon & am with the greatest esteem & respect

From Mrs. Peter De Lancey

WEST CHESTER Sep^r 2^d 1750

D^r Sir

I wrote to you & my Mother last thursday upon the malancholy occasion of our late affliction ¹ & never long'd more to hear from you in my life then I now do. I know not whether to expect you to be now in York or no but write this to take its chance of meetting you there. I am very fearfull that this affliction will effect my Mothers health I hope you Sir will be fortified to bear the shock & I pray y^t both of you may be preserv'd under it

¹ The death of her brother, John Colden, on August 21, 1750.

and enabl'd to submit patiently to our Almighty disposer who alone knows what is best for us & for wise ends sends afflictions upon us, & designs our good in all his dispensations. But these things Sir you know better then I please to forgive my reminding you of them. M^r De Lancey is now going to York to officiate in his new office ¹ I heartily pray that he may behave well in it he told me to day he wish'd the Governour & Assembly might agree & I believe if it is in his power will be glad to contribute to it in any way that he thinks wont be prejudicial to the Country how glad should I be to see it accomplish'd.

I hope Sir if you are in York I shall have the satisfaction of seeing you, & of hearing from you as often as your leisure will permit I hope I may soon have letters from some of the family for I am very anxious for it. I thank God we all are in health M^r De Lancey my self & the Children but M^r Symenton recovers but slowly he is not yet able to teach the Children he has got his wife now with him we have a good deal of trouble with them.

The Children offer their duty to you & to their Grand-mama Uncles & Aunts if you are with them. if so Sir please to say for me also & to my little Girl I fear I shant see my Sisters & her now so soon as I expected, but if all keep well I shall be thankfull whether I see them or not. God grant I may soon have that good news which will be most wellcome to Dear Sir

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

[Addressed:] To Cadwallader Colden Esq^r
att New York
to be left at
Richard Nicholls Esq^r
at the Post Office

¹ As representative in the General Assembly of the Borough of Westchester.

To Mrs. Cadwallader Colden

NEW YORK Saturday Sept^r 22^d 1750

My Dear

I receiv'd yours by our Children yesterday The rainy weather prevented their going a shoar at Kingsbridge They are all at M^r Nichols's M^r De Lancey spent the evening with us there last night & [torn] propose to go up with him tomorrow in a chair & at my desire is to send down a chair for me next week when I design to spend 3 or 4 days with Betty & Alsie As to the public affairs I can form no Judgem^t of them yet I had Cad^rs letter & as I have so little time to write this by T M^cNeal that I am affray'd he may be gon before I could send it to him he must excuse my not answering it now He has don right in Survey[ing] the land for Rooseboom &c Some Palatines at Sco-[torn] have a licence of purchase I believe Cad^r may [torn] a share with them if he desire it They were [torn] on him as they went up to go & Survey it. He [torn] have no hopes of what he expected Money [torn] all tho' my friends are all disobliged by it [torn] instance & it creates an uneasiness among them [torn] do no good. I am very glad that you are so well [torn] so easy as Alsie tells me pray take care to Continue [torn] as it gives me the greatest Satisfaction I can have I am in health Remember me to my Dear Children

Your most affectionate

CADWALLADER COLDEN

[Addressed:] To M^{rs} Colden

at Coldenham

by the favour of M^r Tho M^cNeal

*To Mrs. Cadwallader Colden*NEW YORK Sept^r 25 in y^e evening 1750

My Dear

I design'd to have gon out this day to Westchester & to have carried the two Alices with me but the rain has prevented me M^r De Lancey sent his Kittern for that purpose to town on Munday. Our publick affairs are all in the dark & know not what turn they may take all that hitherto appears is that the Committee has taken his Excell^y's speech into consideration have made some progress therein & desire leave to sit again A good many trifling bills are passing & nothing more what will be the issue of this meeting I know not. M^r Mathews made an offer by J. Jones for the Clerks place at Albany it was then too late but if it had been otherwise as I have never yet been advising or privy to the giving or receiving any sum of money or other gratuity for any office of profit or trust in this Government I am resolv'd to act in the same manner for the future & I will neither receive nor assist in any applications of that kind. No commissⁿ as yet has issued for that office nor do I know who is to have it I am at present easy in the public affairs & shall remain so unless I be forced in my own defence which I hope will not be the case for I meet with nothing personally but complaisance on both sides tho' how sincerely I know not I have order'd the Ring for M^r Ogilvie as you desir'd but as I expect nothing to come in & our out goings have been very considerable this year we must be as saving as possible The great shock I receiv'd by the loss which I need not repeat continues on my Spirits that will make it necessary for me to have something to keep them up & I therefore propose to send up a Hogshead of Wine with Alex^r The mournings have taken away all the money he had to spare I have not money by me to pay the Legacy & funeral Charges You must therefore send me forty pounds by Court Seal it up in a Bag & Hendrick will take care to deliver it to him I

am well pleas'd with both Cadwalladers & Davids letters but I have not time to answer them & I can think of no directions about the Farm besides which I have allready given. A Petition is put in for Rosebooms land whether it will meet with obstruction I know not I have wrote to Ja Stevenson to get in the Debts at Albany My tenderest love to my Children & pray continue to take care of your self

Your most affectionate

CADWALLADER COLDEN

[Addressed:] To M^{rs} Colden
at Coldenham

From Peter Collinson

LOND. Octo^r 3^d 17[50]

I am greatly obliged for my Dear friends Indulgeing Mee the pleasure of peruseing his Philisophical Epistle to Doc^r Bett¹ tho' I am very little Skill'd in Such abstract Studies, yett it afforded Mee a Sensible pleasure to read of y^r Great Improvements and discoveries, In Such an Intricate Science It is a prodegius Stretch of Thought. How is it possible for Such Infinity of Ideas to be Crouded into y^r Pericranium this is the more to be Admired considering your Station in Publick Life. I hope the Governor² will keep His Station—there is great pushing against Him. He wants no Help Having Lord Lincoln who is my Particular Friend His Unkle With His Father Pellum He can do any Thing

¹ Colden's letter to Joseph Betts, dated April 25, 1750, is printed in *N. Y. H. S. Collections for 1920*, 204-7.

² Admiral George Clinton, then Governor of New York, was uncle of Henry Fiennes Clinton, the ninth Earl of Lincoln, whose wife was Catherine Pelham, daughter of Henry Pelham, the Prime Minister, and niece of the Duke of Newcastle.

I am really Surprised how people find their Account in Shiping Such Quantity of Goods for your Port unless you have Some Counterband trade over Land to the French or By Sea to the Spaniard or French Islands. Silk Goods Advances greatly & Woollen continues rising. Wee have no prospect of a Fall in Either.

Booksellers are Such Mercenary people that you are to Expect little from them without a prospect of great gain they will undertake Nothing.

I doubt not but the French E India Traders may have gott into the way of Vending our Genseng in China, but that requires Some Art & Skill in doing It if they know it is American they think it not worth any thing. So it is disguised and Sold underhand for the Tartar Genseng and that with great Caution for a great penalty is Incurd On exposeing any for sale for the Emperor Ingrosses all that precious Comodity

But this I can Assure you that it has been compard by the Nicest Judges with the Chinese & cannot be distinguish'd. I am P^rsaded a great profit may be Made of it in the hands of a dextrous Supercargo, but this is precarious & great Risques. the Expençe of Gathering and the Long Voyages with the Casualties attending them before Returns Here & then a fourth Voyage in remitting it unto you, unless 2 or 3 are Concern'd & very Honest Men (a Rara Avis) Little could be made of it

Pray my Respects to your Son Jn^o Colden & please to tell Him I had both the Letters & bill for £21: 19: 9 which I have Carried to Account

I am my Dear fr^d Truly y^{rs}

P. COLLINSON

Did you Ever See the Genseng Grow How farr is the nearest to y^r House at Coldenham

I enclose Doc^r Knights paper to M^r Alexander He will Lend It to you

[Addressed:] To Cadwallader Colden Esq^r
New York

*From Mrs. Peter De Lancey to her mother,
Mrs. Cadwallader Colden*

WEST CHESTER Oct^r 4 1750

My dear Mad^m

I had yours by Sister Aly, a pleasure I long'd & yet dreaded for I hope my dear Mother you will endeavour to conquer every uneasy thought[t] & turn them into acts of rejoicing & thanksgiving for the uncommon satisfaction we receive in my dear deceas'd Brothers behaviour especially in his last moments. I think we have all the reason we could hope for to be satisfy'd concerning his happiness the greatest of Comforts under such an affliction & I hope will prove truely so to you. I much fear'd it would effect your health & I thank God who has enabled you to undergo it & injoy that blessing I hope it may every way be sanctify'd to you. I pray you may have recover'd the disorder of a cold which Sister Jane mention'd to Sis^r Aly. as you were growing better I please my self with hoping you are now restor'd to that health which I pray you may long be bless'd with. I cant say enough Mad^m to express my thanks & the sense I have of the great care & tenderness you have shown to my dear little Aly, the good principles which I find have been instill'd into her little Mind will make me more then ever cautious of her behaviour that I may not through negligence occasion her to lose what may be of the greatest consequence to her happiness & which has been with so much kind care implanted in her. She has been several times to me to desire I would not forget to offer her duty to her dear Grandmama she has had a small return of the disorder which occasion'd you so much uneasiness since she came home & ask'd what would her dear grandmama say if she knew she was so sick I believe she has as sensible a tenderness for you all as one of her years can have & I hope will never be otherwise I have been favour'd with two visits from my Father since he came to York the last time he stay'd three nights with us & seem'd pleas'd & say'd he

felt better then he had done in Town It was a most pleasing satisfaction to me. I am now more then ever lonesom & find it most agreable to have my Sister a while with me I wish it might suit you & her not to hurry her soon from me. My Sister has been perfectly well since she came here & has a very good stomach I am in [hope] She may return with fresher looks then she came Please to say most affect^{ly} for me to my Sisters & Brothers with you I shall write to Sister Janny by Aly little Aly desires her duty to them all & her Sister & Bro^{rs} join with her I am my dear Mad^m

Your most dutyfull
& affect^d Daughter

ELIZ: DE LANCEY

[Addressed:] To M^{rs} Colden
att Coldenham

From James Alexander

NEW YORK NOV^r 16th 1750

Dear Sir

Your Son tells me he is going tomorrow wherfore I Sit down to write this by him

about a week agoe I wrote ¹ to you fully how affairs were here & all goes Smooth Since & I hope will. I gave the Letter to your Son who tells me Sent it by a Safe opportunity

in one of my wifes trunks from Collison came one of the Letters inclosed, the other I rec^d yesterday from Cap^t Richards who arrived in Knox ² yesterday

The Mandamus for my restoration to the Council D^r Ascough has told me is come in Knox but the Gout hangs still on me so that I cannot go abroad but in my

¹ Alexander's letter of Nov. 7, 1750, is printed in *N. Y. H. S. Collections for 1920*, 230-32.

² John Knox, Captain of the snow *Neptune*, from London. *N. Y. Gazette*, Nov. 19, 1750.

flannells. Mr Catherwood wrote me that the fees were at Least £35. I Drew an order on Barclay & Son to pay him £35 for the fees & what further Sum Chief Justice Morris¹ should Deem reasonable, one of the orders goes by Badger² the other by W^mson³ who are both to Sail this day so that the promise to you on that head I Doubt not will be performed

As the Letter to you rec^d yesterday is in Chief Justice Morris's hand writting, I Suppose he gives you what news there is—as to what he writes to me on New York affairs, I Send you copy of it in these words

"I have advised Gov^r Clinton to keep your restoration
 "a Secret till the meeting of the New Assembly which
 "will Strike a Damp on his Enemies & hearten his friends
 "at a most proper time, And I most Sincerely wish he may
 "make matters Easy with his Assembly, which will En-
 "able him to cutt down his Enemies more Effectually
 "here than anything Else. It is Surprizing that your
 "Assembly should appoint Such a man as Charles⁴ their
 "agent who is a man of no Character equal to Such an
 "Employ—he makes a great noise about the jersey line,
 "and Says you & I hinder the Gov^r from meeting the
 "assembly, that they may have no opportunity of Sup-
 "plying him with money & instructions Pray have not
 "the Gov^r & Council as great a right to appoint an agent
 "for the province as the house of Assembly? but if they
 "have not for the province they Surely have for them-
 "selves; And I think they ought to have one and Should
 "make a representation of the State of the province and
 "the Danger there is that his Majesty's authority in that
 "province will be entirely destroyed by the influence &
 "Cabals of a faction. Such a representation will have
 "Ten times the weight that the Gov^{rs} Single Letters can
 "have, and will tend more to the future peace & quiet of

¹ Robert Hunter Morris.

² Bernard Badger, Captain of the snow *Mary*, for London. *N. Y. Gazette*, Aug. 20, Oct. 8, Nov. 19, 1750.

³ Samuel Williamson, Captain of the ship *Roehampton*, for London. *N. Y. Gazette*, Nov. 19, 1750.

⁴ Robert Charles.

“the province than anything Else If his Ex^y & the
 “Council think me worthy of representing them here,
 “and will by an instrument under the great Seal appoint
 “me, I will Serve them to my best abilitys and shall Ex-
 “pect no reward for anything I do for them. Such a
 “thing would give me a right to mention the affairs of
 “that province to his Majestys ministers which I cannot
 “now properly do unless it be first mentioned to me.
 “You may see by the jersey affairs what a weight is Laid
 “on the representations of the Kings Councils abroad
 “even without or against a Gov^r, and they will have much
 “more when the Gov^r & they agree in the Same thing.
 “You will now have a large Majority in the Council and
 “may make a good use of it not only in doing justice to
 “the Gov^{rs} Administration but to the Country

So far says C J Morris concerning this province I Do
 not think to Communicate what he Says to any but your
 Self, nor to take a Step on these heads without your
 first being Clear that its necessary & Expedient, when
 you think so I doubt not I Shall and Second you in the
 affair being Long Conv[inc]ed there's often more danger
 of doing too much than too little

He tells me all the Grande Monde are out of town &
 will not be Spoke to till the Kings return which is Ex-
 pected before the birth day or 30th of October So till
 then our jersey affairs must Stand as they were. I think
 of nothing further to add but that I am

D^r Sir

Your most obedient &
 most humble Serv^t

JA: ALEXANDER

[Addressed:] To The honourable
 Cadwallader Colden Esq^r
 att
 Coldenham
 p^r Cad: Colden jun^r

From Peter Collinson ¹

Ridgeway House in Hendon Parish

March 11: 1751

I had the pleasure of my Dear Friends Favour & the hands of M^r Jones who is pretty ingenious well behaved young man. being a Day or Two retir'd & Business att an Old paternal House pleasantly situated Tenn Miles North of London I have Leisure to peruse your several kind Letters and Here I have roome to indulge my Favourite Country Amusement. &happes few Gardens have more Variety. I have not seen M^r Jones Lately. I charged him to Call on Mee when He went to Paris for I have several Friends there may be of service to Him. I can truly share with you in the Great Loss you have sustained, for but a few months agon it was near my Case. My baby Son Lay for Some Days at the Point of Death but it pleased God to hear our prayers & Restore Him who is a very Hopefull and Dutifull Child, near the 22^d y^r of his Age. So that my Dear Friend you can appeal to none who can so feelingly sympathize with you. It must be a great Consolation to you that your Child is happy as it is the Will of God & the Lot of Humane Nature It is our Duty prudently to Submitt, and Endeavour with the Divine Assistance to make the Short Time wee have to Stay behind Easie & Comfortable

The Next in Course is both yours of 9^{br} 26th I have by Cap^t Bryant ² made some answer ³ to them and Informed you that the Bill for £21:29:9 for Salary to first of May last is paid, but your last draught for 13:14:6 Guerin will not accept on any Terms but pretends He knows not of y^r Sons Death nor what right you have to Receive It. These I take to be no other

¹ An autograph letter signed, presented to The New York Historical Society in 1926 by Mr. Samuel V. Hoffman.

² W. Bryant, Captain of the ship *Joseph*, of London.

³ Collinson's letter of March 7, 1751, to Colden, is printed in *N. Y. H. S. Collections for 1920*, 263-4.

then Specious Delays, or y^e Contrivance of these Agents to embarrass the Affairs & pay nothing of arrears belonging to persons Deceased, but if you Send over proper Vouchers, with a Letter to M^r Read, Lord Lincolns Intimate friend & Agent & my Friend too, from y^r Governor requesting M^r Read to Joyn with Mee, M^r Guerin may then be brought to Reason, or in what other Manner you shall prescribe, for it is a Great Shame that the Agent should pocket your Right.

Both your Letters to M^r Betts & Doc^r Mitchell the first by the post & the last by my own Hands was Deliver'd to Him. I Desired M^r Betts to Send his Answer to my hands for safer conveyance I think as soone as my Hurry is over to give M^r Betts a Line to know if he received yours as for Doc^r Mitchell, He poor Man has been but in an Indifferent State of Health which may prevent his answering yours. He has your paper on the Specific for Cancers under his Consideration. In my next you may Expect to hear his Sentiments & others on It

By your Silence in yours of 10^{br} 15 I conclude your Dear Daughter is on the recovery which it will be a pleasure to hear Confirmed In my Next I shall more Particular Consider your Last & if I have Suiteable Leisure will give you the State of Y^r account

I am my Dear Friend
Y^r Affectionate fr^d

P COLLINSON

[Addressed:] To Cadwallader Colden Esq^r
New York

From Peter Collinson

LOND. March 21, 1751

My Dear frd

I can only now Informe you I was favour'd With yours with y^r Draught on Guerin for £13: 14: 6 of Nov^r 26th & Decem^r 15th after a Long & tedious attendance on Him could only obtain an ambiguous Answer that He could Say Little to the Bill Yett—for He had no Regular Notice of the Death of y^r Son, which he expected should be under the Citty or Province Seal attested ¶ Wittnes also Coppy a probat of His Will or y^r Administration under Seal properly attested these I look'd on no More then Artfull Delays, In hopes by one ways or another to putt it all the officers pocketts—w^{ch} I understand is a General practice on the Decease of ¶sons Remote

If He had made any the Least offer that had any apperance of Reason I Should have Closed with It, but He Seem'd rather Inclined not to pay any p^t of the Bill thus the Matter Stands at ¶sent How it will be rendered more Effectual I can't well know ¶haps when proper Vouchers comes over It will take away all objections one would think but these Mercenary people have So many Arts it is Difficult to guard ag^t them I am now in a great Hurry Shall by Some other ship consider More ¶ticularly of the Sundry p^{ts} of Letters &c & am truly Y^{rs}

P. COLLINSON

[Addressed:] To Cadwallader Colden Esq^r
New York

From Dr. John Mitchell

LONDON. Ap^l 5. 1751

D^r Sir

It is with the greatest regret that I have not been able to satisfy your desire, nor gratify my own inclinations in writing to you so often as I would willingly have done, especially upon the curious & interesting Subjects with which you are so kind as to afford me so much Entertainment. the cause of my backwardness in this respect you may be sure is owing to somewhat that cannot be avoided. Since my last to you I have taken a long journey over England & the greatest part of Scotland with his Grace the Duke of Argyll, & have been since almost constantly or very frequently in the Country, for the recovery of my health, which I find to be so much impaired & hurt by speculations & study, that I dare no longer allow myself the least indulgence that way. This you may assure yourself is the only cause why I have not been able to consider & answer the several curious things in literature that you have been pleased to acquaint me of.

When I received your ingenious & particular account of the state of your Province & the disturbances in it, I was in the Highlands of Scotland with the Duke of Argyll, & could then only drop it in discourse to him, but as soon as I came to town, I laid it before one of the Lords of Trade & Plantations, to whom I have the honour to be pretty well known, and indeed gave it to him, as he assured me some such account was then much wanted both for information about the public affairs that were then before them and for your credit & Interest in particular, as well as that of your Governor & all your friends, which had been very much misrepresented here, as I doubt not but you have been sufficiently & better informed of. This letter, as it contained the best account of that matter that their Lordships had then seen, had its due weight with them, as I was well assured. This I then informed you of but am sorry to

see by your making no mention of it in your subsequent letters to me, that you seem not to have received mine. But this affair I hope is brought to as happy a conclusion here, as I understand with a great deal of pleasure that it has been with you, and I hope to your satisfaction & benefit. The only objection that seems to be now made to the measures in your government is the Laws that have been passed to the prejudice, as is suspected, of the Prerogative of the Crown.

At the same time I wrote you some account of what was doing about adjusting the Limits of our Colonies with the French, which is still upon the Carpet. I undertook to give some account of that matter, especially what was said of it by the Historians & Geographers, of whom there are none I beleive but what I have consulted about it. By then it appears very plainly to me, that the French settlements at Crown Point & Niagara are manifest encroachments upon the british Dominions, which however they seem to have secured by a long & uninterrupted as well as quiet possession, which I am afraid your people have been somewhat to blame for. Could not you have demolished Joncaire's house at Niagara as well as Capt. Schuyler did the fort that they endeavoured to erect at Onondaga in or about the year 1718, and might not you have drove them from Crown Point, as well as the people of New England did from the mouth of the Otter-kill, on the other side of the Lake, where it is said they first settled. These are matters you know very well of general & great concern, which every one that has any regard for the Public well-fare interest themselves in, and I have endeavoured with others to give what account I could of them from the relations of the Historians Geographers & Travellers, or any other authorities that could be procured. But as these want the sanction of public authority they cannot be supposed to have that due weight especially with our adversaries that their justness seem to give them. If you have any proofs & authorities for those things you

will not only oblige me very much with them, but do a signal service to the public, for which I only intend them. I have desired them allready & long ago to apply to you about them, as the only capable person to give them satisfaction that I knew of, and at the same time to get all the public Records of Indian affairs in New York, w^h I understand has been done. What seems to be wanting is

1. The proofs & authorities that Lake Champlain & the Country about it was the original seat & Inheritance of the five Nations.

2. When & upon what mission they removed from thence.

3. Where are they now settled, and how nigh to Lake Champlain.

4. What use, property or other claim have they had to this country since they abandoned it.

5. In some late accounts of the French I find mention made of a considerable town & settlement of the Mohawks on the north-east of Lake Champlain, upon the frontiers of New-England, called Neranzonai. Where is this place, who does it belong to, and have the five Nations any other property or Possession &c. there or thereabouts or to the northward of their settlements on the Mohawks River?

6. Did Sarahtoga belong to the five Nations or to the Scachcooks independent of them, and what may be supposed to be the extent & Limits of that possession? which is the great part of our claim.

7. At what time did the French take possession of Crown Point, and upon what occasion, and how far did the grants & possessions of the English & the French then extend.

8. What Possessions or other claims have the five Nations at or about Catarackui & on the north of Lake Ontario, or on the River Catarackui, and have the French ever had the forts of Catarackui & Teughsagrondie fully acknowledged to them either by the English or Indians.

These are some indigested thoughts that occur to me, at this present writing, in the hurry I am obliged to be in, about matters that deserve some more particular & thorough consideration, which if you can give me any particular accounts of you will oblige me more than by any thing. You must know, that the chief thing hitherto done in these affairs has been about Nova Scotia, which has not yet been decided, and I beleive the consideration of the Limits of your Colony, w^h I take to be of much more consequence, will soon come to be discussed. If you can give any particular accounts of that matter, as I understand you have already to Governor Shirley, they shall be laid before the board of Trade, and those in particular who have the management of these affairs, which may be of the greatest service to the Public, and I shall not be wanting in my duty to represent them as much as I can in your favour.

We have been much alarmed here, by some accounts from the President¹ of Virginia, about the entire defection of two of the five Nations, which was apprehended would be followed by an entire revolt of the whole. But I am glad to hear that your Governor has concerted measures in such a manner, that they will in all probability prevent these designs & intrigues of our Enemies, as it is to be hoped your intended Congress with the Indians at Albany will effectually do. This proceeding I do assure you was highly approved of & much commended by the Lords of Trade & Plantations from whom I had an account of it, and I wish you all Success in it. You ought in my humble opinion by all means to endeavour to dispossess the French at Niagara, or otherwise to prevent that constant correspondance & intercourse that is between them & our Indians there, at a place where I understand they have but very few or none of the English ever among them.

These are some few Random thoughts that I have been obliged to set down in a hurry, & only upon a few hours leisure. Dr. Colqhune by whom I wrote this tells

¹ Thomas Lee, President of the Council of Virginia.

me that he is to go to day, and I am obliged immediately to go to the Country, so that I have no time to give you any farther accounts of any thing, particularly of your philosophical papers, which I must defer the consideration of to another opportunity. Your account of the virtues of the *Phytolaccæ* is now before me, & I shall take care to make an abstract of it for our Philosophical Transactions. I have many more things to say to you, especially about the affairs above mentioned, as you may readily conclude from the importance & perplexity of the Subject, but as you are so well acquainted w^t it, I must leave them to your own consideration, to whom I know verbum sat est

from

Your most obliged humble Serv^t

JOHN MITCHELL

M^r Jones is now in London & goes soon to Paris, to which I promised him yesterday some Recommendations which his own merit & good behaviour as well as your desire, You may assure yourself will allwaies claim from me for any friend of Yours

J. M.

If you can conveniently send me any seeds of your forest Trees especially they will be a favour. I want your wild Hemp, Rubia or Madder w^t w^h the Indians dye red, the Tree Elm or whatever it is w^t w^h they make their Hempen Belts; what is it that they dye black with &c

From James Alexander

NEW YORK April 14th 1751

D^r Sir

In the Evening of the 12th I had the favour of yours of March 29th our Jersey Assembly for some years have acted as if absolute power was in their hands alone

& as if the Council had no right to Differ with them in opinion. youll find by some words in the Extracts I Sent you that they Express doubt if the Council have any right to act as a branch of the Legislature, for page 12 Line 5 *who pretend to Sit as a branch of our Legislature* seems to imply that doubt.

when things are wrong & a necessity of amendment the maxim *quo Severius* [?] *eo melius* justly takes place Did our assembly hearken to reason possibly the ministry might think there was no need of their interposition but the Assembly takes care to give them no room for Such a thought

I herewith Send you a Coppy of the minutes of the Assembly dureing last Session because you'll find in it that M^r Leonard ¹ for being a Councillor has mett with very cruel treatment from them, which is the Chief thing in them not in our Extracts

You certainly was right to take no manner of notice of what I had informed you

The Gov^r told me of the applications to him for the change of officers, and against it. I gave him my Sentiments that the fitness & behaviour of the magistrates ought to be the motives for appointing & continueing them & the Contrary for removeing them & not the private applications of any persons, that removeing Magistrates who have acted well, must in its consequence weaken the hands of Government & render the offices so Contemptible as that no good men would accept & hold them on those Terms That these have been the rules as to Magistrates in New Jersey for many years, and its happy for New Jersey that it has been So for had it been otherwise there might have been Some room for the rioters & the assembly to Complain, but tho' the Assembly have shown their inclination to be foul of the Magistrates, yet neither they nor the rioters have been able to fix a blott upon any Single magistrate in New Jersey

To this purpose I expressed my Sentiments but he did

¹ Thomas Leonard.

not tell me his resolutions, nor has he talkt to me on this head ever Since—it was I think in january last when that Conversation was

I had not heard anything till I received your Letter of the intention of a General change of officers to oblige the Assembly. I believe it would be better for this province that His Majesties instructions were adhered to in this province as well as in New Jersey, where if the Gov^r appointed judges or Justices or removed them without advice of Council, They would not fail to remonstrate to him the breach of his instructions on that point

I believe M^r Rutherford intends to go with Cap^t Roddam, and I Dont hear when he intends to go. I last winter heard that his orders were to return in june

I shall be very glad to have the peruseal of your Essay as soon as you can

on Fryday last was the first Council since I came from jersey. the Gov^r called me up before Council, told me that he has received two verbal messages from the Ch j that if he would Leave the Gov^t in his hands, he could make it more for his Ex^{rs} advantage than any other person whatsoever, that he returned for answer that he had no thoughts as yet of Leaveing the Government. I Submitt it to you whether it might not be proper for you to be here for a few days as if upon Some other business, to prevent if possible the Effects of Such proposeals takeing place, for I doubt not he will acquaint you with them

My wife joins with me in our Compliments to M^{rs} Colden & all your family I am

D^r Sir

Your most affectionat
& most humble Serv^t

JA: ALEXANDER

[Addressed:] To The honourable
Cadwallader Colden Esq^r
Coldenham

Warrant of Survey

[Document signed]

[Clinton's
seal]

By His Excellency the Hon^{ble} George
Clinton Captain General and Governor
in Chief of the province of New York
and Territories thereon depending in
America Vice Admiral of the same and
Admiral of the White Squadron of his
Majesty's Fleet

To Cadwallader Colden and Alexander Colden
Esq^{rs} Surveyors General of the province of New York

You are hereby directed and required to repair to a
certain Tract of Land lately purchased by Jacob Borst,
Jeronimus Greslaer, Mathias Bowman, Barent Keiser,
Hendrick Hens, Adam Zehe, Robert Stuert, Barent Ten
Eyck and Jacob C. Ten Eyck of the native Indian pro-
prietors thereof lying and being in the County of Albany
about six Miles West from Schohary between the Moun-
tains of Schohary and the Hill called by the Indians
Onuntadasha Containing about twenty five thousand
Acres and further bounded and described as by the In-
dian purchase thereof may appear And there Survey and
lay out for the Persons abovenamed the quantity of
Eighteen thousand Acres of the Tract of Land so pur-
chased by them as aforesaid In doing whereof you are
to have regard to the profitable and unprofitable Acres
and to take Care that the Length thereof does not extend
along the Banks of any River otherwise than is conform-
able to his Majesty's Instructions for that purpose
And of what you shall have done herein You are to make
Return to me To the Intent that I or the Governor or
Commander in Chief for the time being The Collector of
his Majesty's Customs His Majesty's Secretary and your-
selves Or the Surveyor General for the time being or any
three of us and them (the Surveyor General always to
be one) m[ay] on the said Survey being so made as
aforesaid b[e] the better Enabled to set out for them the

said Jacob Borst, Jeronimus Greslaer, Mathias Bo[wman] Barent Keiser, Hendrick Hens, Adam Zehe, Robert Stuert, Barent Ten Eyck and Jacob C Ten [Eyck] the Lands aforesaid To whom I am advised by hi[s] Majesty's Council to grant his Majesty's Letters Patent for the same In such Manner and under such Quit Rent Provisoos and Restrictions as are directed in his Majesty's Commission and Instructions to me And for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal at Arms At
Fort George in the City of New York the
twelfth day of June One thousand seven
hundred and fifty One.

G: CLINTON

By His Excellency's Command
G^w BANYAR D Secry

[Endorsed:] 1751

Warrant to Survey Lands
for Jacob Borst & others.

From Cadwallader Colden to Peter Collinson

[Unsigned copy in Colden's handwriting]

June 12th & 14th 1751 by Corne & Bryant
To M^r Collinson

I have your kind friendly letters of March 1st, 7th, & 11th You have on all occasions taken so much trouble in my trifling affairs that I am ashamed to give you more trouble Yet an incident has happened by the Death of Elliot Benger Deputy Post Master General of America that could I succeed would tend so much to the ease & pleasure of the remaining part of my life that I perswade my self from the Great Friendship you have for me some trouble on such an occasion will not be uneasy to you In short I would preferr it to all the hopes I can have

in any other shape because it is attended with little trouble & will leave me at liberty to pursue the speculations I take delight in & in which I think I can be usefull. What gives me the greatest hopes is in this that the two Gentⁿ who enjoyed this office last Head Lynch & Elliot Benger both of Virginia had no personal interest but held it by the Contract with the Post Master General & I am willing to undertake on the same conditions they did tho' perhaps I be not truly informed of the particulars. There will be this advantage that I am in the Center of the Business of that office whereas they lived in Virginia where the Post Office is of little use This with the Interest of my friends may perhaps give me the preference to an other on the same terms & this is all I expect As the Account of M^r Bengers Death probably will go sooner from Virginia than it can from hence no time is to be lost. I am informed that he had the Contract for ten years which would have expired next year [or] in a year or two That he was allowed a Sallary of two hundred pounds sterline a year and the apointment of the Comptroller of the Accounts of the Post Office in America with a Sallary of One hundred pounds Sterline & of all other officers Both these Sallaries to be paid out of the Produce of the Post Office in America after the Charges of the Post Office are deducted so that if the Produce of the Post Office come short a Deduction must be made from these Sallaries. It is supposed that the late Deputy M^r Benger's circumstances could not allow him to advance any money but that the Contract was for some yearly allowance to be made to the Post Master General which I am willing to do as much to his advantage as any other & particularly to pay one hundred pounds Sterline yearly certain My advanced age would make the paying any sum very precarious The principal difficulty which I apprehend is in the Security for performance of the Contract if demanded as to this I can propose none in England but of persons in this Country I do not doubt of procuring as good as can be desired in which case the Contract may be made & sent over to be

executed I have some pretensions to a preference from my public Services for many years without having had any allowance from the Crown for them & I expect a letter from Gov^r Clinton to his Nephew the Earl of Lincoln for his interest that I may have the preference if you could obtain any thing from M^r Pelham in my favour I should not doubt of the success of it I intend to write to D^r Mitchel for the D of Argyles in my favour. If any thing be don the Secretary of the Gen^l Post Office should signify the Apointment to the Several Postmasters & from what time they are to account & pay

I have seen a Copy of the Deputation to Head Lynch who was succeeded by M^r Benger add one paragraph of it at Bottom as it may be of use whereby it appears that he executed the Articles of agreement in Virginia sometime after the Deputation was made & without any security besides himself Employ the money I have in your hands for any expence that may be necessary on this occasion & if any farther be necessary I shall gladly allow the same advance that is on goods here

*Extract from Deputation to Head Lynch as Deputy
Postmaster-General*

[Copy in Colden's handwriting]

And he is to receive or be allowed in his Accounts out of the Revenue arising to his Majesty by the Post of Letters within the said Provinces & Dominions such yearly Sallary & also such farther allowance Emoluments & advantages & in such manner as is & are contained & mentioned to be so given granted & allowed him in & by certain Articles of Agreement bearing even date with this our Deputation or Deed Poll & made or mentioned to be made between us the said Thomas Lord Lovel & S^r John Eyles Baronet his Majesty's Post Master General of the one part & the said Head Lynch on the other part which

Salary & other allowances are to commence & take place upon the Day the said Head Lynch his executing the said Articles on his part And we do hereby from the time of his executing the said Articles suspend revoke & make null & void all & every other Deputation &c

Under their hands & seal of office Dated the 6th day of August 1742

It contains a General Deputation of all their powers in his Majesty's Dominions in North America & the West Indies from the 6th day of August 1742 during the term of ten years or so long as he shall well demean himself therein

Cadwallader Colden to Dr. John Mitchell

[Unaddressed and unsigned copy in Colden's handwriting]

COLDENHAM July 18th 1751

Dear S^r

When I went to Albany this summer with the Gov^r I was resolved to make all the enquiry in my power in relation to the lands claimed by the five Nations in order to answer the Queries you proposed to me & I had for that purpose agreed on a meeting with some of the Principal Sachems But the Gov^r having fixed on a day for his embarqueing we were so much hurried in the business we were then upon that while I remained at Albany we could not have any time free from more pressing business to meet for that purpose I was the less concerned for this disapointment because I did not think that any thing very material could be obtained more than what I have allready sent to M^r Shirley None of the five Nations have lived near lake Champlain in many years but the lands round that lake have been allwise claimed by the five Nations & part of them by the Scakkook Indians under them No other Indian Nations had any pretence to them unless the Cahnuagas pretend to it

by their being originally of the five Nations they speak the same language & deserted to the French. Perhaps the French may set up a title from them. Any attempt to stop entirely of the Sachems of the Five Nations from going to Canada would be vain while the Gov^r of Canada will give them presents when they come there & when there they will say & do things to please him their Maxim now is to keep well with both sides if they can You know the Indians have no registers whereby they can prove their right to what they claim It wholly depends on Tradition & hearsay evidence & that therefore their claims must be subjected to disputes But it is evident the French of Canada pay no regard to the Treaty of Utrecht otherwise they could have no pretence for building at Niagara. Since they themselves by asking leave of the Five Nations to build there own it to be their land & consequently by the Treaty of Utrecht subject to the Crown of G^r Britain No arguments but that of a Superior force will be effectual with them & since the English Colonies are so much superior to the French in that Argument it is not easy to account why it is not made use of in defending the rights of the Crown from their incroachments of the French If we would only effectually support the five Nations as Auxiliaries the French insolence would soon be humbled & they would entirely loose their influence among all the Indian Nations in North America. If the French in Canada had the same advantages in money & force over us that we have over them they would not hesitate one moment in making use of them

I send along with this a Copy of an account¹ of the present State of the Indian affairs with the English Colonies (which I drew up at our Gov^{rs} desire & which I suppose he will communicat to the board of Trade) in hopes you may be of use in promoting the design I had in writing it.

We are now waiting with impatience for the resolutions of the Kings Ministers on the report of the Board

¹ Printed in *N. Y. H. S. Collections for 1920*, 271-87.

of Trade & the Kings servants in the Colonies know not how to behave till the Resolutions are known Whether the King be resolved to support his Prerogative in America or the executive powers are to be in the Assembly as in the last resort for according to these resolutions every man for the future must regulate his conduct. I am persuaded that whatever any may think in an independent state this last would not be thought prudent in a state depending on another In the meantime the public service suffers & the French will every day gain advantages in America while we remain under these uncertainties. The People of America find it so difficult to draw the attention of the Ministry to any thing that concerns them & are so much affrayed of being left in the lurch & Governors are so unwilling to embroyl themselves in matters which can only give trouble without profit that these are the true reasons why the French were not driven from Niagara & from Crown point. Let the Ministry shew themselves to be in earnest & then we will

Mr Clinton did not doubt of his Interest being sufficient to obtain the Kings leave of absence from his Gov^t & had accordingly fixed the day for his imbarquing About eight days before that time & after his baggage had been put on board of the Greyhound he received a letter from his Agent Mr Catherwood telling him that the Duke of Bedford refused to give his consent to the obtaining his leave of absence but at the same time added that he was commanded to tell his Excellency that when he did leave his Government his Grace of Bedford expected that he would not leave the administration in Mr De Lanceys hands This can only be don by suspending Mr De Lancey from the office of L^t Governor in which case the administration will in course fall into my hands. But while his Majesty's pleasure is not known I must in such case have been laid under many difficulties which could not happen were the Kings pleasure clearly & publicly known that Mr De Lancey is not to be trusted with the administration of Gov^t I was well pleased therefor that Mr Clinton changed his resolution of leav-

ing his Gov^t till such time as he shall obtain the Kings leave of absence as it is dangerous indeed for him to do it without leave I hope now that before M^r Clinton leaves his Gov^t the resolutions of the Ministry on the report of the Board of Trade will be fully known & that we shall thereby learn what kind of conduct in politics will be most agreeable to our Superiors for the resolutions of the Ministers at this time I firmly believe will determine all those in their future conduct who know what has passed in this Province & probably will be a lesson for our posterity

I am far advanced in years I have served the Government about 30 years without any Sallary & in such a manner as my Ennemies can lay nothing to my charge for none can doubt of their being willing if they could & meer calumnies are a strong proof of innocence I never had any talent at getting or saving money tho' I never was expencive but I have had a large family to support & I wish to be usefull to them before I leave them However insignificant I may otherwise be yet the past transactions in this Province have set me in such a light in all the Colonies that here after I shall be named as an example how far it is safe in the Colonies to oppose & thereby expose on self to the malice of a popular faction or prudent to rely on the Kings Ministers on the sole merit of a sincere zeal for the public service

It is now time to beg your excuse for giving you so much trouble I have been above 35 years out of Gr. Brittain & all my personal acquaintances in London are Dead I have no correspondent besides your self & M^r Collinson In a former this summer I presumed so far on your friendship as to pray your assistance in obtaining the Contract for the office of D Post Master Gen^l of America By what I have heard of the persons who enjoy'd this office last I cannot think that it requires any great interest to obtain the same contract they had I do not expect it upon other terms & my situation at New York near the center of the Post roads will

enable me to perform the Duties of that office better than the last who lived in Virginia could & who as I am well informed concerned himself no farther in it than to receive his Sallary. If this should be obtained & the Gov^t think proper to employ me in M^r Clinton's absence the two offices will be of greater use to one another in the same hand than they can be in different. I can expect to have the administration but for a short time & perhaps with more trouble than profit. But this office by it self will be very convenient for me in my old age & for that reason am very desirous of obtaining it. In the last place I must beg of you to let me know as soon as possible what I am to expect I have been now four years in an uneasy state of uncertainty which I wish to be freed from at any rate when this happens I shall be a less troublesome & more agreeable correspondent by satisfying your curiosity in every thing you desire of me as far as in my power In the mean time I shall collect some of the seeds you desired & send them by the fall ships.¹

I sent my Treatise of the Principles of Action in Matter & of the Motion of the Planets by Captⁿ Rutherford who I expect will wait on you & that you have had the pleasure of his Conversation because he is an agreeable Gentⁿ & can inform you of many things

The forming of this treatise required such a close application of thought that it will not be easy for me to bring my mind to reconsider that subject & therefore I am willing that the book shall take its fate as it is though there should be many objections to it I am so much convinced that I am right in the main that I am persuaded the Principles I there lay down will at last prevail & therefore I would have it printed as it now stands

¹ This sentence is substituted in the margin for the following sentence, which is crossed out:

I propose to gather some of the seeds of the Thuja or arbor vitæ Abies Spruce pine dicta, Abies foliis pectinatis Hemlock dicta Larix & some others peculiar to this Country as soon as the season will permit me to gather the Seeds I sent some of the Thuja to M^r Collinson who writes to me that they were all come up which I mention because that seed generally fails

From Cadwallader Colden to Dr. John Mitchell

[Unsigned copy in Colden's handwriting]

Aug 17th 1751

To Dr Mitchel

The memorial of the Indian Affairs, which I drew up at our Governors desire & which I believe he designs for the Board of Trade, has run out into so great length, that I was affrayed of adding any particulars for proof, tho' I believed that they would much confirm my reasoning on this subject. But as you have frequent opportunities of conversing with some of that board, I think it may be of use to add them by way of Appendix, to the Copy of that Memorial, which I now send you; that, if you think the knowlege of them may be of Service, you may make what use of them you shall think proper.

Several years Since & some years before Mr Clintons apointment So many of the far Indians came to the Trading house at Oswego at one time, That most of the goods were sold, when a number of a very distant nation came to trade there. Among other things they wanted a quantity rum. One Nicholas Schuyler a Brother in a noted & principal family at Albany, undertook to supply them, which is allwise don in small caggs, containing from two to three Gallons, for the conveniency of Transportation. The Indians, when they carry rum home to their own habitations, never touch it while they are upon the road, knowing their own weakness, that if they once begin to drink, they cannot forbear, so long as any remains. This man knowing this to be the custom of Indians, which they firmly adhere to, filled the Cags with water & only dipped the linnen rags in rum, which were round the Rings to keep them tight. He was in no apprehensions of a discovery, as these Indians were to travil 3 or 400 miles, before they reached home. But on their way, they met with a number of men of another Nation, in amity with them, & resolving to treat them with some of their rum, broached a Cag, which being found to con-

tain only Water, without a single drop of Rum, they examined the others, & found them all alike, the Indians returned with Anger & resentment to Oswego. The Commanding officer made them some reparation, & did what he could to appease them; & as this gross cheat was like to be of great prejudice to the Trade, he acquainted the Governor with it, who, by advice of Council, ordered the Kings Attorney to prosecute Nicholas Schuyler for a cheat. A New Assembly happened to be soon called, Nicholas Schuyler was elected a member.

The Attorney General was prevailed with to drop the Prosecution, & Schuyler's family having a considerable interest in the Assembly, the Gov^r thought proper to wink at it.

Since Gov^r Clinton's administration, & while the Assembly took to themselves the apointment of all officers for extraordinary Services, this Nicholas Schuyler was apointed by them to build the Fort at Sarahtoga. This he performed in as shamefull a manner as any thing of the kind was ever don, & yet this man was paid his full demands, while at the same time the Assembly refused to repay money bona fide advanced in the public service, by persons imployed by the Governor.

Another remarkable instance to shew how the Indians are cheated is as follows One David Schuyler was in Jail at Albany, on an Execution for a debt, if I remember right, of about 200 pounds As the Schuyler family, & this man in particular, had gained an Interest & friendship among the Indians, he escaped from Jail, & fled to the Mohawks, who protected him against the Sheriff; but at the same time told the Sheriff, that neither he nor Schuylers Creditors should suffer by the Protection which they gave to Schuyler: for they were resolved to give him as much land, as by the sale of it, would pay his debts. & likewise a sufficient quantity for a farm for himself & family, to live on, which was accordingly honestly performed on the part of the Indians. But in taking the Deed Schuyler framed boundaries so as to take in ten times the quantity of land, that the Indians intended to

give him, & even to include in it, the land on which their Village was built, & the land which they then planted, which was some of the best low lands in the Province. This was don by the advice of one of the richest men in the Province, & with whom the Indian affairs were more particularly intrusted by the Gov^t by whose Interest the Kings Patent was obtained, confirming the land to the Persons who had thus grossly cheated the Indians. The Business of my office of Surveyor Gen^l of Lands called me into the Mohawks Country, in a few years after this happened, & as I had Business then with the Indians, in relation to lands, I desired this David Schuyler to assist, believing that he would be of use to me, from the account I had received of this particular Kindness the Indians had don him & I made use of him on several occasions as an Interpreter. On several accidental meetings that I had with some of the Sachems, they made long Speeches to me with an unusual vehemence, while this man was present. But when these Speeches were interpreted to me, I was told they contained only complements on seeing me in their Country. I sent to the Castle to apoint a day to meet their Sachems together, on some business I had to impart to them; but the evening before I was to meet them some malicious person sent some rum into the Castle, so that when I came the next morning, though they made me in all appearance very wellcome, I found them all drunk. I therefor resolved not to stop but proceeded on about ten miles farther. I had then about 20 men in Company with me, I was in the Front & this David Schuyler in the rear, when, at some distance from the Indian Village, I heard a cry of Murder. A young Indian fellow, who was not drunk, came up, with his knife in his hand, to David Schuyler, & threatned him. After some time they got the Indian so far pacified that he went away. Schuyler immediatly came up & rode near me, when a little while after the same Indian came from the Woods on horse back, with his knife in his hand, & stopt Schuyler a second time. I then directed the Interpreter to ask the Indian, how he came to have

the insolence to disturb me on the high way or to threaten any in my Company. I believe his answer was not truly interpreted to me. I order'd him to give up his knife, on which he immediatly took hold of it by the point, & offer'd the handle to me, & then went away

The next morning two of the Sachems came to the place where I lodged, to excuse, as they said, the rudeness I had met with. The young Indian they said had no design of disrespect to me, but that he could not bear to see that rogue David Schuyler in my company. After which they told me how basely & villainously they had been cheated by him. On which, I told Schuyler I thought the Indians had so great a kindness for you, that I believed you would have been of use to me, but since I find it otherwise, you must return home. On which he cry'd out O Lord! I dare not. They will murder me. I got the Sachems to promise they would conduct him safe to his own house, & he left me.

Then they gave me a particular account of their kindness to him, & of his Treachery as before related, & added that they had enter'd a formal complaint of this matter to the Commiss^{rs} of Indian affairs, with a large belt, but could obtain no answer, & desired my assistance for redress. While I was among them they treated me with all the Confidence that any People could do. As they are honest themselves, they naturally think others to be so, till they find themselves abused by them. For this reason they have more confidence in the English & in the Germans, than in the low dutch, whom they heartily despise.

When I returned to New York I laid a Memorial before the Gov^r & Council, relating the abuses committed in the purchase of lands from the Indians, & proposed rules to be observed in future purchases, to prevent the like frauds: which were agreed to by the Council, & ordered accordingly

I have given these two particular instances, from among thousands that may be given, of the Treatment the Indians meet with from Christians: & at the same it will in some measure, shew of what sort of men our

assemblies are composed, who endeavour to assume to themselves the whole executive powers of Government.

I shall add a third One named Bratt¹ of the County of Albany was two years since at Oswego he there stole an Indian boy of about 12 year old from a Missisague Indian his father who was there trading One of that Nation which in time of the last war left the French & joined with us Bratt sent the Boy to Albany On complaint of this abuse by the commanding officer at Oswego the Gov^r by advice of Council directed the Magistrats at Albany to enquire into it & that if they found it as represented that the boy should be restored to his Father but nothing was don till this summer when the Gov^r was at Albany The Facts were fully proved before the Gov^r & Council by persons who were at Oswego when this was don & likewise that the Indians resented the injury so much that they threatned to make reprisals by falling upon the Christians Then By order of Council the Boy was taken from Bratt & sent to Oswego there to be delivered to his Father and Bratt was ordered to be prosecuted in the Supreme Court at the Kings suit The People of Albany exclaimed against this order of Council as Tyrannical & Arbitrary & so will every order be called that restrains them from cheating the Indians

CADWALLADER COLDEN

From Mrs. Peter De Lancey

WEST CHESTER Oct^r 29th 1751

D^r S^r

I had the favour of yours by the Post this morning & am glad to find you intend me y^e pleasure of another visit & that I shall see my Brother also. I hope I may not be disapointed I shall long to know Sir that you have a confirmation of the account you mention, which is al-

¹ Johannes Bradt. Cf. *Cal. Council Minutes*, 375, 378, 379, 381.

ready pleasing so far, but we are so liable to meet with disapointments that I dare hardly be much rejoic'd at it till there is a shurer ground for it I wish my Mother may not set her mind too much upon it least there be a baulk. if you hear any certainty of being likely to succeed I hope you will please to let me share the pleasure of it as soon as oppertunity permits. Oliver is again bravely & the rest of us in health as was the three Boys at M^r Johnsons friday. I had a letter from Stephen by the Post. Nanny & Aly offer their duty to you. M^r De Lancey is at York Please to give my love to my Bro^r if come I am Sir

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

[Addressed:] To Cadwallader Colden Esq^r
att New York

To be left at
the Post Office

From Cadwallader Colden to Dr. John Mitchell [?]

[Unaddressed, undated, and unsigned draft in Colden's handwriting]

NEW YORK Nov^r [1751 ?]

Dear S^r

You must have seen by the letters which I wrote to you this last summer what confidence I place in you. Tho I have met with a disapointment yet no other of your friends wishes you more heartily joy than I do. I have the more pleasure in it from the expectations I have of seeing you which before this time I had entirely lost The Post Office has been so much neglected since Coll Spotswoods¹ Death that it will require your coming

¹ Alexander Spotswood (1676-1740), of Virginia.

at least as far North as this place. I am told that none of the Accounts have been made up or closed since that time which may make it necessary to appoint a Comptroller I have three sons any of them capable of executing that office & if any thing be in my power to assist you it will give me pleasure to do it. Pray let me know the time when you propose to be here that I may meet you for my house is 60 miles from this place In the meantime I shall be very desirous to hear of your health & safe arrival being with great esteem & affection

S^r

Your most obliged

From Peter Collinson

LOND Dece: 11: 1751

My Dear Fr^d

M^r Dodsley ¹ has not been with Mee but He is Doubtfull of the Sale of a Work ² that so few people are Judges off Yett as you Have entertained So good an opinion of Him, He will Venter to print 250 Coppys and He assures Mee upon Honour if it undergoes a Second Impression He will Consider you with Some present as it will look Bald without Some Dedication I propose to Do it to my Lord Macclesfield ³ who is a Great Mathematician and a Nobleman of Great Worth and Probity

I am much Y^{rs}

P COLLINSON

[Addressed:] To Cadwald Colden Esq
These

[Endorsed by Colden:] Sept^r 11th 1751

¹ Robert Dodsley, publisher and bookseller.

² Colden's *The Principles of Action in Matter, the Gravitation of Bodies, and the Motion of the Planets, explained from those Principles*, a revision and extension of his *An Explication of the First Causes of Action in Matter, and of the Cause of Gravitation* (N. Y., 1745; London, 1746).

³ George Parker, second Earl of Macclesfield (1697-1764).

From Peter Collinson

LONDⁿ Jany 15 [1752]

I had my D^r fr^{ds} Letter with the papers Inclosed—I took the first opportunity to Wait on Lord Lincoln¹ Deliverd y^r Letter &c Setting forth to his Lordship how you had Devoted y^r Time & Incur'd many Enemies to serve the Gover^r² that it Would be very hard to Leave you exposed to their resentment without Some reasonable provision for y^r past Services that might be out of their power to Deprive you off It his Lordship hear'd Mee very Graciously & promised would Do all in his power to Serve you but the promisses of Courtiers are words of Course

I had a hint by the By that all those Quit rents was appropriated & it would be difficult to Alter their appointments

However not being perfectly easie at our Conference, I writ his Lordship a Letter Expostulated With Him & told Him I had Money in my Hands to Defray all Expences whatsoever relateing to the Affair

Notwithstanding I am so much Engaged in Business at this time a year and a Long Way to Go yett I went again that I might not Suffer the thing to Cool—and So when I came I had a very Civil Messuage from the Earl that It was now his time of Waiting on the King, & had not Leisure to see Mee as He knew my Business—this was as much as to Saye M^r Collinson I can give you no favourable Answer to my Unkles request on behalf of M^r Colden

He said before a Ship was ordred to Bring Him Home, I then represented to Him as you was the oldest of the Council the Deputy Governorship ought to Devolve on you of Right he said He could not tell how that would be—as this ship goes uncommonly Early I have just in

¹ Henry Fiennes Clinton, ninth Earl of Lincoln (1720-1794), nephew and son-in-law of Henry Pelham, the Prime Minister.

² George Clinton, Lord Lincoln's uncle.

hast given you the State as things now Stand, but I shall
 not fail to remind his Lordship on Y^r Behalf
 pray my Sincere respects to the Governor
 I am in hast much

Y^{rs}

P COLLINSON

I Expect your Book ¹ Every Day out of the press. I
 sent you part of the preface by I think Bartrams son ²
 in the last pensilvania ship. I shall send you y^r first
 Essay ³ translated into high Dutch, in M^r Alexanders
 Goods

[Addressed:] To Cadwallader Colden Esq^r
 Coldenham
 New York

*From Mrs. Peter De Lancey to Mr. and Mrs. Cadwallader
 Colden*

WEST CHESTER June 7th 1752

My dear Papa & Mama

I gladly embrace this first oppertunity to acquaint
 you of my getting home, you wou'd hear from my Bro^r
 & Sisters how I got aboard & was in hopes we should
 have got to M^r Philips ⁴ that evening but it being calm
 in the afternoon we were oblig'd to lay all night at the
 upper Mills & in the morning had a fine breese that car-

¹ *The Principles of Action in Matter.*

² Moses Bartram, son of John Bartram. See Collinson-Bartram correspondence in William Darlington's *Memorials of John Bartram and Humphry Marshall* (Phila., 1849).

³ *An Explication of the First Causes of Action in Matter.*

⁴ Frederick Philipse, Third Lord of Philipse Manor.

ried us presently to Major Philips where we found M^{rs} Philips & the family so that I reckon'd it lucky, that we hadn't come the night before which would have given y^m more trouble then I should have known how to have been easy about. M^r De Lancey had been there the day before expecting to meet us & had desir'd the Major to let me have his Waggon to carry us home which was very readily got for me & several of his Men down at the shore to take care of my things before I got ashore my self so that I met with no difficulty at all and got home with a great deal of ease where to compleat my satisfaction I found M^r De Lancey my Children and family in good health which I desire to be thankfull for as I ought & esteem it a particular favour at this time when sickness and death have been surrounding them: Our neighbour old M^r Lawrence died since I went, also a son of his and a grand daughter who lives near us both with the throat distemper, a young Woman was bury'd the day I came home but she had not that disorder, so many deaths in so little a time of my acquaintance, surprised me a good deal, but would have shock'd me much more had I heard it while I was abroad. I pray my mercifull Benefactor continue his goodness to us & keep my dear little Comforts from that cruel distemper, & may the same goodness preserve you both with my dear Sisters & bro^{rs} in health & happiness, it will be a while before I shall forget the agreeable manner I spent my time with you & be reconcil'd again to my lonesom moping way I liv'd so free from care while with you it seems a double burden to me till I get us'd to it again, but I ought and will endeavour to be as cheerfull as I can with it. Please to say for me in the most affect^e manner to all my Bro^{rs} & Sis^{rs} The Bearer calls for my letter so must concl[u]de w^t M^r De Lancey affections to you all & my Girls duty they would fain have wrote to you but the time

was too short which hinders me also from writting to my
Bro^r Colden as I intended had I time I am

Dear Sir & Madam

Your most dutyfull
& obedient Daug[h]ter]

ELIZ: DE LAN[CEY]

[Addressed:]

To Cadwallader Colden Esq^r
att Coldenham

To be left at
the Post Office

New York

Warrant of Survey

[Document signed]

[Clinton's
seal]

By His Excellency the Hon^{ble}
George Clinton Captain General
and Governour in Chief of the Province
of New York and Territories thereon
depending in America Vice Admiral
of the same and Admiral of the White
Squadron of His Majesty's Fleet

To Cadwallader Colden and Alexander
Colden Esq^{rs} Surveyors General of the Province
of New York

You are hereby directed and required to repair to
two certain Tracts of Land lately purchased of the Indian
Proprietors thereof, by Johannes Lawyer and Philip
Bergh, scituate Lying and being near Schoharie in the
County of Albany, containing about three thousand

Acres, and further bounded and described as by the Indian Purchase thereof may appear. And Survey and lay out the said two Tracts of Land for the aforesaid Johannes Lawyer and Philip Bergh. In doing whereof you are to have regard to the profitable and unprofitable Acres, and to take care that the length thereof does not extend along the Banks of any River otherwise than is conformable to His Majesty's Royal Instructions for that purpose. And of what you shall have done herein you are to make return to me To the Intent tha[t] I, or the Governour or Commander in Chief for the Time being, the Collector of His Majesty's Customs, His Majesty's Secretary, and your selves, or the Surveyor General for the time being, or any three of us and them (the Surveyor General always to be one) may on the said Survey, being so made as aforesaid, be the better enabled to set out for them the said Johannes Lawyer and Philip Bergh, the said two Tracts of Land; to whom I am advised by His Majesty's Council, to grant His Majestys Letters Patent for the same, under such Quit Rent, Provisoos and Restrictions, as are directed in His Majesty's Commission and Instructions to me. And for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal at
Arms at Fort George in the City of
New York the third Day of July
One thousand seven hundred and
fifty two.

G CLINTON

By his Excellency's Command
G^w BANYAR D Secr^y

[Endorsed:] 3^d July 1752

Warrant to survey Land for
Johannes Lawyer and Philip Bergh

Warrant of Survey

[Document signed]

[Clinton's
seal] By His Excellency the Hon^{ble}
George Clinton Captain General
and Governour in Chief of the Province
of New York and Territories thereon
depending in America Vice Admiral
of the same and Admiral of the white
Squadron of His Majesty's Fleet
To Cadwallader Colden and Alexander
Colden Esq^{rs} Surveyors General for the Province
of New York

You are hereby directed and required to repair to a Certain Tract of Land scituate Lying and being in the County of Albany, on the South Side of the Mohawks River, near Cannajoharie, upon the South Side of a Creek called by the Indians Otsquaga containing nine hundred and fifty Acres of Land, and further bounded and described, as by the Indian Purchase thereof may more fully appear. And there survey and lay out for Coenradt Kanterman the said Tract of Land. In doing whereof you are to have Regard to the Profitable and unprofitable Acres, and to take Care that the length thereof does not extend along the Banks of any River otherwise than is conformable to His Majesty's Royal Instructions for that purpose. And of what you shall have done herein you are to make return to me, To the Intent that I or the Governour or Commander in Chief for the time being, the Collector of his Majesty's Customs, His Majesty's Secretary and your selves or the Surveyor General for the Time being, or any three of us and them (the Surveyor General alway's to be one) may on the said Survey being so made as aforesaid, be the better enabled to set out for him the said Coenradt Kanterman the Tract of Land abovementioned and described: to whom I am advised by his Majesty's Letters Patent for the same, under such Quit Rent Provisoos and Restriction

tions as are directed in His Majesty's Commission and Instructions to me. And for so doing this shall be your sufficient Warrant.

Give under my hand and Seal
at Arms at Fort George in the City
of New York the third of July One
thousand seven hundred and fifty
two.

G CLINTON

By his Excellency's Command
G^w BANYAR D Seery

[Endorsed:] 3^d July 1752

Warrant to survey Land for
Coenradt Kanterman.

From Cadwallader Colden to Peter Collinson

[Unsigned and unaddressed copy, in Colden's handwriting]

COLDENHAM July 28th 1752

Dear S^r

I had some time since yours of the 4th of March ¹ & now that of the 22^d of April. By both you give fresh instances of your great care of my Interest at a time when you are deeply ingaged in your own affairs & when you know that it is not in my power to make any return to your uncommon friendship but by repeating the sense I have of it. Gov^r Clinton by letters of a later date than yours is informed that the Kings Ministers are resolved that another Gov^r in chief shall succeed him & probably he is appointed before this time. M^r Clinton is resolved to continue in his Gov^t till the New Gov^r arrive One reason of this resolution I am told is that they have been perswaded by some intelligence from hence that the Gov-

¹ Printed in *N. Y. H. S. Collections for 1920*, 312-13.

ernment would be in great disorder by the dislike the people have to me should the administration fall into my hands I know there has been great pains taken & artifice likewise used to instill this into the minds of the Ministry But since the Gov^{rs} resolution of leaving the administration in my hands has become the common talk in this Province the contrary has fully appeared. The generality of People even some that are no friends to the Gov^r declaring that they would be better pleased to see the administration in my hands than in the hands of either of the two who have been talked of for it. However it seems they who inculcated that opinion have gained in some measure their end as it was not easy for the Ministers to guard themselves against this artifice.

I have imployed a great part of my life in the public service & in philosophical enquiries which I think may be of public benefite & have thereby neglected opportunities for the benefite of my family which others have made use of & I think that before I dye I should now take what care I can of my Children as opportunity may on any occasion offer. For this purpose as I told you before I am more desirous of having a Sallary annexed to the office of Surv^r Gen^l which is now secured to my son after my Death than to have had the administration of Gov^t as it is not accompanied with that Envy & those cares which unavoidably attend the other The annexing of a Sallary to this office as I formerly wrote is in itself most reasonable being an office of great trust in the Kings revenue of this Province & if the Ministry take no care to reward a servant who has it seems by their own confession acted faithfully it will be a great discouragement to others in their Duty hereafter especially when they frequently cannot do their Duty without creating enemies & when at so great a distance as the Colonies are they cannot guard against Calumny till it is often too late to do it. I must therefor beg of you to press that affair which I now believe can best be don with the E of Halifax to whom I hear the care of Planta-

tion affairs is most deservedly intrusted If you have any acquaintance with him or with any that are familiar or in confidence with him I shall expect much from his candour & publick Spirit.

I am concerned that I hear nothing of D^r Mitchel nor from him

I shall take care to have the Arbor vitæ seeds gathered for you in season. I know nothing of that plant which you mention as growing in the thickets called the Spice berry about 20 miles from New York other than what we call the all Spice which you say you have in your Garden & of which I think I once sent you some seeds. The seeds of the Sassafras when gathered green have a very spicy aromatic coat but this does not grow in thickets or what we call swamp but loves the high grounds & open fields

I am perswaded that the plant we call the Unicorn's horn is a new genus I have examined it very carefully & sent its Character to Gronovius.

I did expect to have receiv'd my Principals of Action in Matter by the Nebuchadnezar but I suppose Dodsley has other work on his hands from which he expects more profit Such kind of work as mine never meets with so much incouragement as a Tale of a Tub Notwithstanding of this I cannot forbear going on with these kinds of Amusements *Paucis contentus lectoribus* I am now applying these Principles to the phenomena in S^r Isaac Newton's Optics by which I hope to put the truth of them beyond Question and this will be more easily understood by those who have not dipped deep into the Mathematical Sciences.

I received the Translation of my first piece ¹ into high Dutch with remarks upon it but I have not been able as yet to get the remarks translated A German minister stopt at my house a litle he did not speak good English I got him to look over some parts of it and was surprised to find one paragraph in it asserting that the Account or Explication I give of the Ether was don

¹ *An Explication of the First Causes of Action in Matter.*

in Pennsylvania & not in New York I am very sure he has no true foundation for this assertion & believe he will even find it difficult to excuse this publication in any shape But as there are many Germans in Pennsylvania it seems the Translator has a mind to lay in a Claim for his Nation to this Discovery After I shall have got the remarks translated I shall say something more particularly to it This gives me the better opinion of the performance by its drawing Envy & Calumny on the Auther I wrote to you about the beginning of April & inclosed one to L^d Holderness which I suppose now can be of litle use Afterwards I gave the trouble of a 3^d letter inclosing one as you desired to L^d Macclesfield I hope this may be more minded because it mentions no state affairs.

*Warrant to Cadwallader and Alexander Colden to
Survey the Land under the Hudson River
fronting New Windsor*

[Document signed]

[Clinton's seal] By his Excellency the Hon^{ble}
George Clinton Captain General and
Governour in chief of the province of
New York and Territories thereon de-
pending in America Vice Admiral of the
same and Admiral of the white Squad-
ron of his Majesty's Fleet.

To Cadwallader Colden and Alexander Colden Esq^{rs}
Surveyors General of the province of New York.

Whereas John Chambers Esq^r Vincent Mathews,
Evan Jones, Joseph Sacket, Samuel Bayard Mariner,
James Tuthill, Ebenezer Seely, John Yelverton, Hezekiah
Howell, Henry Brewster, Brandt Schuyler, Lodowick
Bemper, Christian Hertell, John Sacket, and Mathias
Earnest by their humble Petition presented unto me and
read in Council on the fourteenth day of July last have

Set forth that they are the present Owners and Proprietors of certain Lotts or Parcels of Land lying at a Place called New Windsor on the West side of Hudson's River in the County of Ulster fronting to and adjoining on the said River between the North Bounds of the Land belonging to Thomas Ellison and the North Bounds of the Land belonging to the petitioner John Chambers and extending along the said River about fifty four chains. And for the Reasons therein set forth they the said Petitioners prayed his Majesty's Letters Patent for the Soil lying under the Water six hundred feet from High Water Mark into the said River fronting the Petitioners said Lands respectively. Which Petition having been then and there read and considered of His Majesty's Council did humbly advise me to grant the prayer thereof under the annual quit Rent of five Shillings.

You are therefore hereby required and directed forthwith to survey and lay out for the said Petitioners the Soil lying under the Water six hundred feet from High water mark into the said River fronting the Petitioners said Lands respectively. And of what you shall have done herein you are to make Return to me To the Intent that I or the Governour or Commander in chief for the time being, the Collector of his Majesty's Customs, His Majesty's Secretary and your selves or the Surveyor General for the time being Or any three of us and them (the Surveyor General always to be one) may on the said Survey being so made as aforesaid be the better enabled to set out for them the said Petitioners the Soil under the Water abovementioned and described. And for so doing this shall be your sufficient Warrant

Given under my Hand and Seal at Arms at
Fort George in the City of New York the twentieth
day of August 1752 in the twenty sixth year
of his Majesty's Reign.

G CLINTON

By his Excellency's Command.

G^w BANYAR D Seery

From Governor George Clinton

GREENWICH Sep^t 26 1752

Sir

The inclosed came by way of Boston without a line from any one of my friends which I Send for your perusal and advice concerning the whole, and perticulary the last Paragraph, and you have underneath what I propose Saying to y^e Board of Trade in answer as I look upon this, as only their being new brooms for you see they are General. Not but I think a great deal ought to be Said both on the Prerogative and their woud insist, why have they not sent me the Instructions I have been made to beleive was calculating to prevent the Assembly's ineroaching upon y^t Prerogative, and prevent them from bringing in any Lawes inconsistent with the Instructions, but shall not send any answer untill I have your answer & opinion

I propose meeting the Council on Friday to Name the time & place of meeting the Assembly and Issuing a Proclamation for that End, and it is agreed amongst us, that they meet at the Black horse¹ in y^e new room & those that have not had the Small pox can lodge about there as all is Safe, and for me to have Bensons² for the Council, which is much better then meeting any where cross the Water for I must have objected to y^t as I can go to y^e Black horse when it would be no way proper for me to cross y^e Water, and it is absolutely necessary for y^e Assembly to meet as the excise, Duty, Flower, & Support is and will be out the 1st of Jan^{ry}. the Duty and Flower dropping will be a very great prejudice and must not give them that handle

There is nobody knows of these Instructions but M^r Alexander yourself & me, nor do I think it proper to tell any body Else (which made me Copy them) affraid the Assembly should make bad use of them

As the 24th of October is the day we intend to ap-

¹ The Black Horse Tavern, kept by Jacob Dyckman.

² Benjamin Benson.

point for y^e meeting of the Assembly, I must desire you will consider of what is proper to Say to them in General termes as agreed on when you was last down not to give them the least handle or pretence to Quarrell and hope to see you about the 18th that it may be all fixed before the meeting. There is Severall reasons why I think it will be absolutely Necessary you should come down both on y^r own acct as well as mine, and there will be a Bed at Greenw^{ch} or at y^e Fort as usial just as wee may be. My Wife joins in Compliments to you & family and am
Sir

Your very humble Servant

G. CLINTON

I think the dispute in town is at present which is to be S^r Peter or Shirley. I think nothing of y^e first and not much of y^e last.

P.S. I only gave up last Saterdag all hopes & upon it gave orders for my Billiard Tables to be Set up, but it is plain to me none of my friends heard of this order, or I must have had letters

[Addressed:] To The Honourable Cadw^{ad} Colden Esq^r

From Governor George Clinton

[NE]W YORK March 2^d 1753

Sir

I have had Several Strokes of my old paines tho' nothing so violent as last Winter but Sufficient to prevent my writting. I am Sorry anything Should occasion disputes between us. I can say as you do, others may be more Successfull, but none can be truer to your Interest then I have been. Whatever observations you have made of a design Some where to give me a prejudice against you I know of None nor do I countenance any even to hint at it. But to the purpose I made y^e Doct^r writte to you as you had offered Money for y^t Land I

thought it would be of Service. As to what he writt about that part you wanted being more valuable then the rest, I think there was Some reason for it, as there had been Several people down with me and the Chief justice who was actually settled upon it and I could not Imagine they would Settle upon Indifferent, as to any other reasons neither of us could have any for I had never inquired or asked a question about it

I wish your Son had Succeeded in his Survey of vacant lands he went upon. You may remember that when my accounts came over I told you amongst the Stoppiges there was the £228-10s sterling stopd from me y^t I paid your Son as Commissary which is no Small loss to me, besides other favours shewed to him y^t I think that Suit (at his own Expençe) would have been as well let alone, besides he was well paid for y^t trip in getting a part of Aaron Stevens land which cut me out of 2000 Acres intended for me. As y^e Doctor writt I certainly did expect to hear from you upon what we talked over and indeed Settled, about M^r Auckmooty's Land & Nick Bayards As I have not heard they were going forward.

Since I am writting to clear up little Falloucy's y^t you hint at I cant help acquainting you I have Some reason to complain in my turn of the difference of Some peoples behaviour as you dont Succeed which has not been my fault were known to every Soul in the Province, which is a whole Family in Town related to you has never been once nigh M^{rs} Clinton Since she came to Town nor y^e good Manners as to send to know how my Child did that has been ill above this three Months which is Such a great altereation y^t it not only Surprizes us & must make other people think very odd of it Family perticularly. I am far from thinking you know anything of this but it is so. Nor do I think it worth my while to tak any further Notice of it.

As to News from home, I have none as not having any letters Since His Majes^{ty} arrival. they seemed in my last to be determined upon a Nonsuch for a Govern^r

that is hard to be found, at least will hardly accept with all y^e Qualifications they require. Wraxal¹ goes on with his Impudence here as does Colhoun at Albany and after he has been So much condemned by the Duke of Argyle only by Sending his Grace his own letters am sorry to see him so much carress'd by Some of y^r Family as to be invited down to spend part of y^e Winter amongst you which is a Countenance I never shewed to any profess'd Enimie of yours in my life time, and am Sorry I am obliged to mention these things now

I am desired by Teady Mc Gin and my Son is concerned with him y^t in case your Son cannot go up now to depute M^r Hendrick Frye or others of my Freinds to run out the Division Line between the Dutch Settlements and the Tract he has bought of y^e Indians, & Sayes they can lay at a house every night while they are doing it, & Sayes the Snow is off y^e Ground now, y^e reasons is that he wants to do it Soon is that he may go up to y^e Indians to bring them down to see the whole Tract run out in y^e beginning of Aprill and if this is to be granted you will oblige me who is with all the regard & friendship y^t can be

Your faithfull freind &
very humble Servant

G. CLINTON

M^{rs} Clinton desires he[r] compliment^s
to you and Family.

P.S. Gover^r Shirley puts in hard
for Antigua. he did for this govern^t
but when taxed with it denyed it but
tells me S^r Peter put in very Strong
for it, but would not have Succeeded
had he lived
Govern^r Thomas² Setts up with Shirley
for Antigua
Doct^r COLDEN

¹ Peter Wraxall.

² George Thomas, Deputy Governor of Pennsylvania, became Governor of the Leeward Islands, 1753.

*Extract from King's Instructions to the Governor of
New York about Land Grants, 1753*

Extract of the 56 & 59th Articles of the King's
Instructions to Sir Danvers Osborn Given at
Kensington the 13th August 1753.

56 Article

We do hereby declare it to be our Royal Will and pleasure, that you do not pass any Grants of Land within Our said Province of New York, to any person whatsoever, under a less reservation of Quit Rent than 2/6 sterling for every hundred Acres, nor without an Obligation upon the Grantee to Plant Settle and effectually Cultivate the same within a reasonable time, under penalty of the forfeiture of such Grant, and it is our further Will and Pleasure that no more than 1000 Acres be Granted to any one person, and that in the Quantity of Acres Granted to every person due regard to be had to the Number of persons of which such Grantees Familys shall consist, and of his Ability to cultivate the same.

59 Article

It is our Will and pleasure that all and every person and persons who for the future shall apply to you for a Grant or Grants of any Land, shall previous to their obtaining the same, make it appear before you in Council, that they are in a Condition to Cultivate and improve the same, by settling thereon in proportion to the Quantity of Acres, a sufficient number of White Persons or Negroes, and in case you shall upon a Consideration of the Circumstances of the Person or Persons applying for such Grants, think it adviseable to pass the same, in such case You are to cause a Warrant to be drawn up directed to the Surveyor General or other Proper Officer, Impowering and requiring him or them to make a faithfull and exact survey of the Lands so Petitioned for, and to return the said Warrant within six months at furthest from the date thereof, with a Plot or description of the

Land so surveyed thereunto annexed, provided that you do take care that before any such Warrant is issued as aforesaid, a Docquet thereof be entered in the Auditor's Office, and when the Warrant Shall be returned by the Surveyor, or other Proper Officer, the Grant shall be made out in in due form, and the Terms and Condition required by these Our Instructions be particularly and expressly mentioned in the respective Grants; and it is our further Will and pleasure that the said Grants shall be Registered within Six months from the date thereof in Our Secretary's Office there, and a Docquet thereof be also entered in Our Auditor's Office there, or that in default thereof such Grants shall be void; Copys of all which Entrys shall be returned regularly by the Proper Officer to Our Commissioners of our Treasury, and to Our Commissioners for Trade and Plantations within six Months from the date thereof.

New York 20th April 1754

A true Extract Exam^d By

G^w BANYAR D Secry

From Jane Colden to Mrs. Cadwallader Colden

NEW YORK Sept^r 2^d 1753

Sunday Morning

Hon^d Mad^m

We had the very great satisfaction of receiving yours of the 28th of last Month, on friday evening, we thought the time very long that we had not heard from you, our leaving you indisposed made us very anxious to know how you did, & I rejoice to find you had got so free of your lameness; I am very glad you have had Company that have diverted you, & that you have been imploy'd in improving your Garden, as I know the pleasure you take in it would prevent your time seeming [torn] to you, M^{rs} Nicholls has promised me some Tuby [torn] Roots & I shall beg her for some, others kinds & [torn]

Seeds. Papa my Sister & I went to Greenage last Tusday Morning & staid all night, it was M^{rs} Nicholl's Birthday & the family were there together, but none staid all night but us, we were much pleas'd the time we staid, I think they have every outward enjoyment that can be des[ired] [torn] them hapy

Aly & [torn]-rnoon getting as many things as we could in [torn] we have got a quarter Hundred Rice at 7/ which we shall send with M^r Elisons Sloop & likewise a pair Shoes for B^r Davy & 15 Mother-of-Pearl Buttons for his new Vests, that cost 2/6 I hope he will like them. Stout ¹ promiss'd we should have his Shoes to send with the last trip of M^r Elisons Sloop but disapointed us, we shall endeavour to send you some Sand at this time too We have got 22 pounds of very good Loaf Sugar at 14^d p^r p^d & have sent the bag to M^{rs} Alexander ² for half a hundred very good powder Sugar which she told us should not be above 10 pence but perhaps some less she could not then tell how she could afford to sell it we have likewise got the linen & several other things which we shall keep till we go ourselves, only the Hinges for the Table we shall send now

We had a letter from Sister De Lancey last night, she desired when we wrot that we would offer her Dutifull Regards to you & love to our Brothers & Sisters (which please likewise to do for me) she & her family were all well a few hours before I shall inclose some Letters from the Children, and my Sister has laid aside thoughts of coming to town at this time herself but says she will send her Boys to see us, she writes that M^r De Lancey will send a Chair for us at any time we let them know we incline to go out, we shall let her know tomorrow that Thursday or Friday will suit us. Papa & my Brother design to go to [torn] next Tuesday, & will chus to rest a day be [torn] West Chester they both design to go [torn] [P]apa thinks to stay a while there perhaps as long as Aly & I shall

¹ Benjamin Stout.

² Mrs. James Alexander.

I send you a fine parcel of white Onion Seed, which I got from M^r Harison & M^r Auchmuty gave me particular directions how it should be managed, he says it should be sow'd now as soon as possible, in Rolls & very thick, because a good many of them are apt to dy in the winter, & when the weather grows cold there should be Horse Dung laid round them, & they are to be transplanted in the Spring

Munday Morn:

I wrot the above yester day for fear of being Hurried, we now hear that M^r Elisons Sloop goes this afternoon all the things we send; (except a Barrel of Sand) is in the Bag with the Rice. viz. a pair Shoes, a pair Hinges, Vest Buttons, Onion Seed & 2 quarts of Oatmeal for B^r Cadwallader. I [have] read Sister Aly's letters to Sister Caty & Brother Davy & find she has given so particular an account of our passing our time since we last [torn] that she has left me nothing of that kind to say [She] has not mention'd that we had been to see M^{rs} Watts. we went in a fornoon & sat about an Hour with her, she received us with [torn] & appeard much easier than we expected, she [torn] [c]onversation the whole time we were with h[er] [torn] on different subjects, which every body [torn] [m]ention'd it too seem'd to wonder at for it is more than she had been known to do a good while, she promiss'd to [c]ome & see us Papa is writing to you, he told us he would give you an account how the New Winsor affair is concluded, which I beleive will be some satisfaction to you. I have left myself worn to say no more but that I am with my sincere prayers for your health & happiness my Dear Mama your most

Dutifull & Obedient Daughter

JANE COLDEN

[Addressed:] To
M^{rs} Colden
[Colden]gham

*From Alexander Colden to his father,
Cadwallader Colden*

NEW YORK NOV^r 7th 1753

[De]ar S^r/

As soon as I had finished M^r Brains¹ Survey I rode up to Canajohary in order to proceed on the Lycences of Purchase. I got to Peter Schylers in the Evenning, he immediately sent to the Castle to tell the Indians I was there & to desire Hendrick and some of the Sachems to meet me that Evenning that we might prepare to Set owt the next day for the Woods. Hendrick said he would be with me in half an hour, but neither he or any of the Indians came that Night. Next morning Early one David an Indian came as a Dep^{ty} from the Castle to know who I was, & upon telling him he said I might return from whence I came for that I should Survey no Lands. I ask'd the reason but could get none other then that when my brother was last up he deceived them & wanted to steal their Lands & for that reason none of the familly shou'd Survey, & that he was surprized how I dare venture up. I then proposed going to the Castle myself & talking to Hendrick & the Sachems, but the Indian David replyed it would not be safe for me, that the fire which my Brother had kindled in their breasts still burnt & my going might be attended with ill Consequences to my Self, upon which I thought it advisable not to go but sent Peter Schyler and Johan Joost Herkeman to the Castle to indeavour to get the Sachems to meet me [an]d at the same time told them they must use their indeavours to [pers]wade the Indians to suffer me to survey otherways their Lycences [could] not be Survey'd at this time for I would Depute no one to do it [bein]g perswaded the Indians were sot up against me only in order [to] oblidge me to apoint a Deputy. They soon returned with the Indian [D]avid & told me they had used all the Arguments they could

¹ Thomas Braine.

to perswade the Indians to consent to my Surveying but could not Succeed That they had proposed to the Indians that Fry should Survey, only allow me to be present (this they did without my orders) but the Indians would not consent & David had orders from the Castle to tell me they would not allow me to Survey nor even to go into the woods with any other Surveyor but if I would imploy Fry he might Survey but then I must not be present When I rec^d this Answer from the Castle I bid David return to the Castle & tell the Indians I would be glad some of their Cheifs would meet me at Coll Johnsons that I might learn from them the objections they had to my Surveying to which he replied they were to go down the next Day on some business they had with the Coll I then told him to tell the Castle I would go down to the Coll^s & wait till they came down & took horse & went there I waited three days before they came Niccas came to the Coll^s in his way from New England the night before the others came down. Coll Johnsons spoke to him & told him what had passed at the Castle. Niccas replied they had done wrong, That he knew me very [w]ell, That he had been in the woods with me, & that I had done them [torn] that he would go up to the Castle the next day & talk to Hendrick and that I should be suffer'd to Survey. Next Morning he set owt and a few [torn] the Colls met Hendrick, Abraham, David, & one or two more & [came] back with them. After a great deal of Discourse the Coll fin[ally] desired they would Declare what reasons they had to object to m[y] Surveying reminding them how well pleased they were with my behaviour when I was there the time before. They acknowledged I then had acted like an honest man but that they had been informed when my Brother returned home last Spring I should have said he was no man I was a man & that if I had been up I would not have been stoped from going on with my Survey as he was & that I would go up in the Fall and try if they Dared to stop me. They also said they had been told that I should have said if I could but

once set my Compass on the Land so as to take one sight I cared not whether they suffer'd me to run one line or not for their Land was gone. I desired to know who were their Authors they answered they did not know the man it was one in New York had told them so when they were here last Summer & added we hear you blame the people this way for setting us up against you but its not of them nor no one else but your brothers behaviour & what we h[ave] told you you should have said as above. After a good deal of [torn] to this purpose & complaining they were no longer regarded by [the] Gov^r at New York as they used to be nor their Compl^{ts} [torn] in particular with regard to the purchase Teady Magin [torn] made Hendrick gave Coll Johnsonsone a Petition which [torn] design'd to present to Gov^r Clinton but as they were now [torn] there was a New Gov^r desired he would have it Copied ove[r and] directed to the New Gov^r & requested that I would deliver it [to] him. The Coll advised me to Comply with their request which I did & [the] Day after I got to Town waited on the Lieu^t Gov^r¹ & deliver'd it to him. Inclosed is a Copy of it. My Complying with their request of Delivering this Petition I immediately found pleased the Indians & they marked out on the Floor what Lands it was they intend'd for the Germans. After this the Coll took a vast Deal of pains to Convince the Indians of what Service our office was to them & told them of the Memorial you had given into the Councill & what care you had taken to have the purchases made so that the Indians could not be deceived in the Lands they sold. That we were the Kings officers appointed by him for Surveying all the Lands they sold & that no one could Survey but ourselves unless they had a power from us to do it. That as I knew of no one there that I could trust would do them Justice I had come up my self with no other view but to have the Surveys made in such a manner as tha[t] they might

¹ The administration of the Province devolved upon Lieutenant-Governor James DeLancey (1703-1760), after the death of Sir Danvers Osborne, on Oct. 12, 1753.

not hereafter complain they were cheated & [that] if they would not Suffer me to Survey they could sell no [more] Lands for that unless I surveyd it or appointed a person [torn] those that purchased from them could get no title to the[ir land. After] a good deal of Discourse to this purpose passed between the Coll and [the] Indians they seemed perfectly reconciled to my Surveying & told me I might return with them & go on with my Surveys. I then told them the Delay they had already given me and the time it would take up for the people to prepare for my going into the woods would make it so late in the season that I would not be able to Survey one purchase before it would be full time for me to return home, but that in the Spring of the year as soon as the Season would admit of it I would return and Survey all the Lands they had sold & mentioned to them the several Lycences that I knew to be granted they then made no objections to my Surveying any of them except Teady Magins which they said should not be Survey'd on any other Terms then what is set forth in their Petition. We parted in very good humour the Indians seemingly well satisfied and pleased with me. I staid with Coll Johnson a Day after the Indians & the next day just as I was mounting my horse to return home, One Picket came express to me with two letters Copys of which I inclose. That from the Indians I gave to the Coll to read. He agreed with me that it was a very impertinent letter & that it was not the Sentiments of the Indians that was therein expressed but of David Schyler and his Associates who must have used some artifice with the Indians to [pr]evail on them to sign it & that it would be demeaning my Self [to] Comply with Such a Message. The Coll took an op^{ty} while I [was] owt of the room to talk to the fellow that brought the letter and [torn]-ed him for having the impertinence to write such a letter and [per]swade the Indians to Sign it & asked him how they could expect any [fa]vours from me after such treatment. The Man was very pressing for my going back or apointing a Dep^{ty} to Survey

I told him I would do neither. David the Indian who did not return with Hendrick & the others but went to Schenectady happen'd to be at the Colls when I rec^d the letter from the Indians. I desired him to remember me to the Castle & tell them I thought the Season too far advanced to go into the woods but I would be with them in the Spring. he said I was right the weather grew too Cold. Lucky it was I sot owt from the Coll^s when I did for I had not been from there above an hour when it began to rain which held for two days & the Day after I got down here we had a violent snow storm & I am told the snow was half foot deep at Albany so y^t I should have been miserably off had I complied with their request & return'd. I purposed to have waited on you as I came down but the wind blowing fresh at west and in the night when I passed Newburgh could not be conveniently sot ashoar. We were at too great a distance to hail to the House to let them know I was passed. M^r Bayard Livingstone & Banker are very pressing & have been with me Sundry times to Depute some one or other to Survey the Lycences [the]y are concerned in this fall. I told them I would by no means do [any] thing in it without Consulting you. Livingstone talked of writting to you & Sending one on purpose to go up with a Dep[uty in] case you thought proper to Depute one. I have hear'd noth[in]g [from] him this two days. Inclosed is the Lycences in case he sen[ds] to you & you think proper to Depute that the Deputation m[ay] be Endorsed on the Lycences. If you agree to Depute one I belei[ve] Bleeker will be a proper person than Fry for I very much Suspect Fry is tampering with the Indians & sets them up against us and insinuating himself into their favour in order to have the Surveying of all purchases. I call'd at his house in order to talk to him but he was abroad. The Inclosed letter with the Deed of Purchase was sent by the man who the Lands are for to Coll Johnson desiring his favour to get it passed. I told the Coll I knew of no orders Fry had to Act as our Dep^{ty}. The Coll said Fry gave owt he had

leave from my Brother (and so I find Fry says in his letter to you) I told the Coll as to that I doubted it but that I would send the Deed to you that you might act in it as you thought proper. I wrote to Fry forbidding him to act in any manner as our Deputy without a particular order under our hands. I shall be pleas[ed] to find you approve of the several steps I have taken as I allway[s] make it my Study to act in such wise as I think will be [torn] to you.

I thank God I had my health perfectly well all the time [torn] At my Coming home I found Mr Kelly ill with a Cold [torn] Day he was confined to his room & has not been abroad [torn] so y^t I was obliged to give a constant attendance at the [torn] which prevented my writing by the op^{ty}s that offer'd [torn] my return home which I hope you'll excuse. My Wife Children & my self have all got great Colds which is now a com[mon] disorder in Town. We join in most Dutifull regards to you and my Mother & Love to our B^r & Sisters. I fear I shall not be able to write to any of them by this op^{ty}. David has his health perfectly well. Please to tell my Mother I could get her no Deers Leather at Albany & that I desire to know if I should purchase any here for her. News I hear none nor what the Assembly are resolved to Do Inclosed is the Votes. The Councill adress'd the Gov^r yesterday but their Adress I have not seen I hear it will be printed to Morrow morning. The Lieut Gov^r received me very civilly when I waited on him. He sent for me to Council this forenoon to know if I had seen the Indians sign the Petition I d^d him & where it was wrote I told him y^t it was a petition designed to be presented to Gov^r Clinton but hearing his Honnour was apointed Lieut Gov^r they got one to Copy it over at Coll Johnson's & that it was signed by the Indians in my presence I fear I have near tired your Patience with th[is] long Epistle, not to intrude any more conclude assuring y[ou] I am Dear S^r

Y^r Most Dutifull & Ever Obed^t Son

ALEX^r Co[LDEN]

From Abraham Douw

NEW YORK NOVEM: 14th 1753

Sir

We have Understood that Mess^{rs} Bancker Livingston and Company, have wrote you and Desir'd You wou'd be pleas'd to deputize a Surveyor att Albany to go And Survey their Lands att Canajohary, and as for the Oaks for which we have a Licence to Purchase (and have already agreed for the Same with the Indians) Lies near those Lands, we hope you'll be pleas'd to Depute the same Surveyor to Survey the Oaks. M^r Douw will stop att the Glass House, and Receive your answer. We are with Respect S^r

Your most Hum: Serv^{ts}

ABRAHAM DOUW IN COMP.

P^t S^t Your Son tells us, he has
Sent up our Licence to you
Last Week

[Addressed:] To Cadwallader Colden Esq^r
One of his Majesties Councill for the
Province of New York at Coldenham
In Ulster County

To Abraham Douw

[Copy, unaddressed and unsigned, in Colden's
handwriting]

Copy

COLDENHAM NOV^r 19th 1753

S^r

I have yours dated at New York the 14th instant
I should have been very glad to have obliged you &
the other Gentⁿ who have wrote at the same time but the

present disposition of the Indians is such that I think it inconsistent with the Duty of my Office to permit any Surveys in that part of the Country till such time as means can be found to deterr evil minded people in their attempts of inciting the Indians so as to endanger the lives of those I imploy & the peace of the Country I am

*From Mrs. Peter De Lancey to Mr. and Mrs.
Cadwallader Colden*

WEST CHESTER April 8th 1754

My dear Father and Mother

Mr Tho^s Willet call'd yesterday afternoon in his return home & gave me an account of the conclusion of my sisters ¹ Nuptials, upon which I heartily congratulate you, & pray that it may prove an additional comfort to you, in seeing them a very happy Couple; I find they are soon to be down. I sympathise with you when I think of your parting, but I hope that sorrow will soon be allev[iated] in the prospect of her future happiness. [torn]not be satisfy'd till I have the plea[sure of seeing] her in her own house; which I [torn] as I hear she is got there. I [torn] [Mr De]Lanceys getting home as Mr [torn] te-[torn] out from your house wi-[torn] an-[torn] the company; he it seems [met] wit[h diffic]ulty in crossing the River & were very [torn] drove ashore on butter-hill; I hope Mr [De Lancey w]ould not venture while the wind contin[ued hi]gh, but I shall be anxious till I see him. [Pleas]e to give my best affections to Brother David & Sister Katy (your little family) I wish them much joy on the occasion. My

¹ Alice Colden married William Willett.

little folks offer their duty some of them are going to
write to you. I am Dear Sir and Madam

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

To Mr & Mrs Colden

P.S.

April 15th D S^r & M I quite forgot when Brother
Colden call'd here Saturday to send my letter. Just after
I wrote it I had the pleasure of seeing Mr De Lancey
safe return'd, & yesterday had the satisfaction of seeing
my Sister at her own house we were oblig'd to return
very early this morning on account of some busyness
Mr De Lancey was sent for to York by a Messenger that
came after us I like their place very well & believe
she will live very comfortably but I can say no more
Mr De Lancey being just going off to York.

[Addressed:] To Cadwallader Colden Esq^r
at Coldenham

*Letter from Mrs. William Willett to her sister,
Katharine Colden*

HARISONS PURCHASE June 25 1754

Dear Sister Katy

I ought to have wrote to you before you left New
York, but when Billy left this I was so busy at the Iron-
ing Table that I could not spare time. I suppose you'll
think I might have delay'd it for an hour and that this
is a very poor excuse, so I'll tell you what made me in
so great haste, we was to have a frolick next day of fish &

Lobsters, about four miles from hence, and I was desirous of getting the cloaths all out of the way before we went, and I assure you it was main dark by the time I got them finished. Shall I give you a description of our frolick, for want of a better subect I think I will. I wish Cate you had been with us, for we had pure divirion, and you woud have seen Rural sports quite in the Natural way. There was 20 of us in Company 10 Ladys & 10 gentlemen (you know we country folks always call one another [torn] but before I goe further, I shoud give you a description of the place. it is calld the majours neck Surrounded with meadows on one side, and the other a prospect of the Ocian the ground so level that we dancd Minuates and Contry dances and so fine a shade of pine Trees, that we never need put on our hats. The first thing we did after we got to the place, was to prepare dinner of fine black fish and Lobsters where we had them in perfection, for the poor fish was jumping after their guts and seals was off and the Lobsters crawling in the boiling Pot. We then sat down upon the green grass, and din'd most daintely, musick playing all the time, after this we had several dances, by this time it was neer Sun sat, and we all preparad for returning home, but was stopt by the way by the Majour, who had been with us all day and give all the company a hearty invitation to his seat, where we was intertaind with wine and punch in great plenty, the Majour himself as gay as any young man, and niver stopt from dancing for several hours together. pray tell Sister Jenny that I wish she coud have seen him, I assure her he appeard to much greater advantage in his own house than he did when she saw him here. I really believe that the sight of her, over came him so, that he knew not what he did, poor man I pity him, and wish that some clever Lady woud [torn] for he has a pleasant place and a good h[ou]se and also a pretty fountain, so that there seems nothing wanting but a Mistress to take care of it, but me thinks I hear you say what a deal you write about Miss Jennys admirer, and tell me not a word of my own,

indeed Sister Cate, had I any good news to tell you about him I should have begun with it, but I have not heard a word from him since you left me.

Friday Morning when I begun my letter I thought to have sent it to York the next day by the Boat, but I soon heard that did not go till next week. I must now finish it to send by the Post. I have rec^d all the things you was so kind to get for me and like them all very well

Please to tell Sister Jenny that my B^r has sent me the book she desired him to get for me, which I am much obligd to her for. I am much delighted with what I have read of it. I ought to have wrote to her and acknowledged the favour, but know she will excuse me, till I have read more of it. Pray say for me most affectionately to her in which M^r Willett joins and also in our affectionate duty to Papa & Mama say [word illegible] to Davy and B^r Cad^r and all his. I hear he is expected soon [word illegible] do tell him that I shall take it quite hard indeed if he returns home without coming to see me. I have not heard from Sister De Lancey since you was here. God bless you my Dear Kate and make you happy in all respects in the hearty wish of

Yo[ur] [torn] sister

ALICE COLDEN

Please to remember me to Sister
Colden and all her little ones
Billy offers his regards to all of you

[Addressed:] To Miss Catharine Colden
att
Coldenham

From Cadwallader Colden to James Alexander ¹

[Copy unaddressed and undated, in Colden's
handwriting]

[COLDENHAM, August (?), 1754]

Dear S^r

I have mentioned your desire to my son Cadwallader to be joined with you & your son too in a power from Gilbert Burnet & he agrees to it. I am much obliged to you for the Copy of the Representation & Plan of Union I think the first just & impartial If any objections be made to the second as it is to be the subject of P[arlia]mentary consideration it will be amended so that I think it of no great consequence in what shape it go from hence only so far that I wish it may not be thought that we have not a proper knowledge & esteem of the English constitution.

Perhaps you may have forgot that I had a lawsuit with Sacket ² for a Lot in the oblong adjoining which was dropt by consent on his attorneys promising to you that he should give no more trouble but so far from this he continues to disquiet my Tennents & to make continual trespasses I beg of you to speak to M^r Smith ³ on this head & advise on what is proper to be don I think all the Partners concerned in it for in case of eviction may not I have a remedy against them & he claims several other lots besides mine In the first place may not the costs of last suit be recovered from Sacket Since he has broke the condition on which I consented that each should pay their own costs The vast expence M^r Nicholls & your Lawsuit in short frightens me from the Law It is a hard case where it is better for a man to loose a great part if not all his just right than to preserve it by the proceedings in the Justice of his Country You shall see my philosophical amusements as soon as I can have my papers copied

¹ Replying to Alexander's letter of July 26th, 1754, printed in *N. Y. H. S. Collections for 1920*, 459-61.

² John Sacket.

³ William Smith (1697-1769).

From Cadwallader Colden to William Smith (?)

[Unsigned, undated, and unaddressed copy, in Colden's handwriting]

S^r

You remember no doubt that the conditions on which I consented that the Action between Sacket & me should drop was that he for the future should not give me any molestation in the use & possession of the lands than in dispute whereas he still continues to molest my tenants & commits dayly trespasses on my lands. It highly concerns me that this dispute be brought to an end in my life time & I think it concerns the other partners because in case of eviction I or my heirs can have remedy of my partners out of their divisions to make up what I shall suffer. It seems clear to me that since Sacket has broke the conditions he ought to pay the costs of the last suit & I must intreat you to take the proper steps for this without delay & that you'll please to advise my son freely on what farther steps are proper to be taken to put an end to this dispute as soon as possible & that you'll do what is requisite for that purpose & pray let him know your mind without reserve Do not delay recovering my money from Birdsel & Wing

*From David Colden to his mother,
Mrs. Cadwallader Colden*

COLDENHAM Sept^r 10th 1754
Tuesday

Dear Madam

By the Letters which we received yesterday from B^r Colden & Sister Willett we had the very great pleasure to hear that you gott safe to Rye so soon as the next Day 2 o'clock; it must have been very agreeable to you to Dine one day at home and the next with your Daughter. All of us who have gon to Rye by water have

had such good luck in passages, that were it possible to get back as easy, I beleive we should be there very often. I long to hear how you like the place as for your intertainment I make no doubt that was such as you was well pleased with

I went down last Thursday afternoon to see D^r Jones, he was still in the same Condition D^r Garden left him, I offer'd to set up that night but M^{rs} Jones said her Husband would not take any assistance from Strangers. I went last Sunday afternoon to M^r Sackets & sat up with him he was very ill, his Son said that if he did not get releife by some Blisters he had applied to his Ancles the morning I left him, he should be very apprehensive of him They call his disorder the Nervous Fever, he is very much I think as Duncan was, but they did not incline to follow the method we did with him. I am much affraid he may Suffer from their unacquaintance with those languid fevers. The family are very much distress'd, scarsly one of them are quite well & their neighbourhood is so sickly with fluxes & intermitten fevers that they can get no assistance. We have no sickness near us and all the family have kept quite well since you left us

I suppose Mad^m you will long to see how rich M^r Bartram has made your Garden, but all's now under ground, & we must wait next Spring to produce the fine Tulips Snow drops &c &c &c you will be oblidge to turn a good deal of the usefull things away to make roome for the Gaudy shew, which I expect you will have next Summer

That every thing contributes to your pleasant Visits & happy return will give the greatest pleasure to

Dear Mad^m

Your most

Dutifull Son

DAVID COLDEN

[Addressed:] To Mrs Colden

att

West Chester

Att a Court of Inquirie Held at the House of Rachael
Wileman of Wilemanton In Ulster County By Virtue
of a Commission Issuing out of His Majesties High
Court of Chancery, on Tuesday the Twenty second
day of October 1754

The Honourab^l Cadwallader Colden } Esq^{rs}
Present Curnelius Hornbeak & } Commissioners
 Charles Clinton }

The Commission Red
The Sheriff Returns the Warrent
With a Pannell Annexed
The Jury Called and Sworn

Jurors Sworn to Enquire

1 Jacobus Bruyne	8 Benjamin Wiggans
2 Cadwallader Colden Jun ^r	9 George Graham
3 Abraham Hardenbergh	10 Johannis Hardenbergh
4 Noah Eltinge	11 Benjamin Smedus
5 Zacharias Huffman	12 Andrew Graham
6 Jacob Huffman	13 Silas Wood
7 Abraham Rose	14 Henry Van Wye

The Names of the Juriours Sworn and Charged

Evidences Sworn to the Court

1 Margaret Stephenson	5 John Nicholl
2 Jeremiah Mullock	6 Phebe Clarewater
3 [torn]	[7] Patt ^k Shaw
[torn]	

[torn] Clock in the forenoon to Morro

The Court [torn] According to adjournment

The Honrabel Cadwallader Colden } Esq^{rs}
Present Cornelius Hornebeak } Commissioners
Charles Clinton }

The Jury Called Appears

John Bayard ¹ Sworne to the Inventorie

Vin^t Mathews Sworne to M^{rs} Wilemans Will ²

The Jurors all agreed to An Inquisition and Seald & Signed the Same

The Commissioners then Dismissed the Jury

[Signed:] CADWALLADER COLDEN
CORNELUS HOORNBECK
CHAR CLINTON

[Endorsed by Colden:] Minutes of the Court of Inquisition at the hous[e] of M^{rs} Rachel Wileman
Oct^r 22^d & 23^d 1754

To Peter Collinson, November, 1754 ³

[Unsigned and undated draft in Colden's handwriting]

To Peter Collinson Esq
Fellow of the Royal Society London

You have obliged me exceedingly by sending me from time to time the objections made by men of learning to the Principles of Action in matter which I published some years since & tho' I find that they have not been received as I expected yet after the most carefull reflexions I can make on the objections which I have seen & a very painfull re examination of the Principles with the Phenomena I still remain convinced of the truth of them. It is not unusual for men to grow obstinately

¹ John Bayard, son of Mrs. Wileman by her first husband, Petrus Bayard.

² Mrs. Wileman's will is abstracted in *N. Y. H. S. Collections for 1896*, p. 407.

³ Found folded in a printed copy of *The Principles of Action in Matter*, corrected and interlined by Colden, in preparation for an intended second edition.

Sent to Collinson with a revised copy of the *Principles*, enclosed with his letter of November 19, 1754, which is printed in *N. Y. H. S. Collections for 1920*, 473-74.

fond of their own conceptions & even to grow enthusiastically attached to certain points on which their imagination has for some time been strongly & constantly fixed. I have been aware of this. I have guarded against it to the utmost of power and after all These Principles carry with them the same conviction on my mind which the most evident truths do

I attempt to give new Ideas of Matter or of things & where we have new Ideas new words in some measure become necessary to prevent confusion & mistakes but as it is not in the power of any one man to make a new language I was under a necessity of making use of words in a different sense from that in which they are commonly used This has given ground to some of the objections by a mistake of the meaning I have now endeavoured to amend this where I have observed it by a choice of words less subject to such mistakes.

The frequent & sometimes long avocations I had while I was writing of that performance frequently broke the chain of reasoning & tho' it might have been easy to have supplied that defect yet in a new work by one who has not reputation sufficient to make it be favourably received few are willing to take the trouble of supplying such defects I have now amended it wherever I have discovered such want & I have endeavoured to confirm the more general propositions by new illustrations But the strongest & justest objections have arisen from my not having sufficient knowledge in Astronomy while I applied the principles to the explaining of the motion of the planets. I am now very sensible of this & of the errors I have fallen into. It is no wonder it should be so when I had never particularly applied myself to that science before I set about that work & when men who have spent their lives with great reputation in the study of it have not been able to avoid paralogisms in so intricate & complicated researches I have now I hope by a very assiduous application & attention to the observations of Astronomers corrected those errors & so far improved that part of the performance that I

flatter my self it will give satisfaction & some pleasure to those who know best the difficulties which attend such disquisitions, & likewise prove so usefull in the practical part of Astronomy as to carry some merit with it more than the meer pleasure of speculation. Whenever the grand prise proposed to Astronomers for finding Longitude by sea shall be obtained I have at present the pleasure of thinking that the person who shall gain it will receive some help from the Method I have taken in my researches & from there being able in the method which I have taken to determine some points in astronomy which have hitherto remained disputable & uncertain

The Editor of D^r Halley's Astronomical Tables tells us that the Doctor frequently complain'd to his friends of the want of a sufficient number of Observations whereby he had not been able to ascertain of what kind of curve the Earth's orbit is, nor its situation in the heavens, & that he had been less able to form Equations for the motion of the Apoge & other Equations from which the orbit of the Earth is not free: from this defect all the Calculations by D^r Halley's tables are subject to error, & evidently want correction For, as the Editor subjoins, errors in the places of all the planets, whether by observation or calculation, must follow necessarily any error in the Earth's place.

Now I must submit to Astronomers whether I have made up this defect I am fond of thinking that I have in a good measure. If it be so it can only be owing to the Principles which I have assumed & the method taken in the Enquiry No man understood Astronomy better than D^r Halley did No man was a greater Master in numbers & in all kind of mathematical knowledge No man understood S^r Isaac Newton's Principles better than he did in which he had the advantage of a personal acquaintance with that great Author

This leads me to mention the strongest prejudice of any taken to my performance & received by those whom I think the best Judges viz That it is thought contradictory to what S^r Isaac Newton has demonstrated. I

hope it will appear that this arises only from a mistake in not understanding truly what I have advanced & in not distinctly enough seeing where the force of S^r Isaac's demonstration lies. However I must likewise observe that tho' a prudent man will be very cautious in advancing any thing contrary to the sentiments of those who have most deservedly obtained great Authority Yet all men do sometimes err & very great men have sometimes fallen into paralogisms It is well known what Authority Aristotle had in the Schools before Des Cartes pulled him down. But the followers of Des Cartes could as little bear to have their Masters Decisions called in Question as the Aristotelians did theirs & S^r Isaac's Principles were received at first with great prejudice because contradictory to Des Cartes. So universally are people governed in their opinions by Authority

An hypothesis, tho false, may in some generals seem to agree with the Phenomena, as DeCarte's did but when it comes to be examined with accurate & particular observations with that precision which is necessary the falsity soon appears. Such examination proved fatal to Des Cartes & established S^r Isaac Newtown Now as there are not observations made of the Phenomena so numerous & with such precision or accuracy in any part of Physical knowlege as in Astronomy I have chosen these observations as the test or touch stone by which my Principles are to be tried. S^r Isaac has made such accurate & numerous observations on Light & colours that I have thought them likewise a proper test of the truth of those principles & for that reason have applied them to the explaining of the Phenomena of Light & colours & these I expect will be within the reach of more readers than those of Astronomy. I know no other part of Physical knowlege where the Phenomena observed are so numerous & so accurately described & for this reason I hope these will be thought sufficient, tho' I shall occasionally subjoin some other.

While I may seem to make free with the Authority of great men in learning I certainly ought not to be too

confident of my own Judgement & of my not having fail'd in my deductions. I wish my failures may not be too many however tho I may have erred in some particular deductions such errors may happen without prejudice to the fundamental principles That I may convince you of my not being too confident in my self I beg the favour of your submitting what I now send you to the Judgement of some Gentlemen of Learning many of whom I know are within the sphere of your acquaintance for if they do not approve or at least judge favourably of what I have advanced I shall not trouble the public any further with my speculations for how much soever I may in my own mind be perswaded of the truth of them I shall be content that they remain in obscurity unless some at least of these Gentlemen of established reputation think them worthy of being published & that the book may be of public use

Boundaries of Four Tracts of Land, c. 1755, in present Schoharie County

[In an unidentified handwriting]

Boundaries of four Parcels of Land Survey'd Pursuant to an Order of Govern^r & Council Dated [blank]

Beginning at the Southeast Corner of the Pattent of Scohary or the Land formerly Granted to Myndert Schuyler & others being on the North Side of a brook Called the Mill Creek or Litle Scohary & Runs from thence along the bounds of s^d Land granted to Myndert Schyler & N.52: E.70 Ch: then East 40 ch. then S.15 E: 90 Ch: then South 150 Ch: then S:5 E:71 Ch: S 10°30' W 150 Ch. S 45. W: 10:Ch. N 25 W 60 Ch. N 10 E 80 Ch: then North 160 Ch: then N 21 W 82 Ch: S 63 W: 166 Ch. then N 10 W: 74 Ch to the Scohary River then Down the Stream of said River & the Bounds of two

Parcels of Land granted to William York & others to the said Brook Called litle Scohary then up the Stream thereof about 2 Ch. to the Place where this Tract Began Cont. 2907 Acres with out allowance

2nd Begining on the East side of Scohary River where a Small brook falls into the s^d River w^{ch} is Also the Place of Begining of a Tract of 100 Acres granted to Cap^t Edward Clarke & Runs from thence along the Bounds of said 100 Acres N 60. E 28 Ch. then South 54 E. 44 Ch. then North 28 E. 200 Ch. N 29 W 56 Ch. to said Scohary River then up the stream of said River & the Bounds of two other Parcels of Land granted to said W^m York & others to the Place where this tract Began to Cont. 1313 Acres strict Measure

3rd Lying on the West side of Scohary River Begining at a Large white Oak tree marked on four sides standing on the Bank of said River 25 Ch. on a S. 74 W Course from the upermost Corner of a Piece of Land Lying on the West side of the River granted to the said William York & others & Runs from s^d tree N 45 W 30 Ch. then N 41 E. 98 Ch. N.8 E: 124 Ch. N 36 E:20 Ch. then East 60 Ch. to the Lands formerly granted to Adam Vrooman then along the Bounds thereof to the said Scohary River then up the stream thereof & along the Bounds of s^d Piece of Land granted to W^m York to the Place of Begining Cont 1120 Acres strict Measure without allowance

The 4th & Last of said Parcels of Land Being a Piece of Land known by the Inhabitants by the Name of Hunters Land Situate on the said brook Called the Mill Creek about two Miles East from the 1st Mentioned tract and begins at two Birch trees Growing from one Root & standing close on the North side of said Creek Each of w^{ch} Trees is Marked with a blaze & 3 notches on y^e Sides & the one with C C May 14.1753 & the other with E & Runs from thence N 10 E 10 Ch. N 83 E: 40 Ch. S 7 E. 20 Ch. S 70 E: 60 Ch. S 20 W 20 Ch. N 70 W. 100 Ch. to the said Creek then up the Stream thereof to

the Place of Begining Containing 244 Acres strict Measure

N. B. Thomas Eckerson &c. Desires not to have the whole of the first Mentiond tract granted to them but to be thus Bounded viz. instead of East 40 Ch. to be only 30 Ch. & to Run from thence S 9 E 310 Ch. to the Begining of the S 10°30' W. Course which will Cutt off 358 Acres along the East side of that tract this is their Desire

Please to Examine the Records to See if the 100 Acres granted Ed^d Clarke begins at the mouth of the brook as Mentioned above I was told it Did, but y^t Copy of the bounds of that Land I Cant find tho' I think I once had it

[Endorsed:] Description Lands at Schohary

From Mrs. Peter De Lancey

WEST CHESTER March 7 1755

Dear Sir

I cant let Unkle David leave me without giving my self the pleasure of offering a few lines to you least you should impute my silence to a failure of that duty I shall allways have a satisfaction in testifying but I have nothing farther to offer then what my Brother can more particularly inform you of then I can in this manner. I think 'tis very lucky Sister Jane got down before the severe weather we have since had sat in it will be a great relief to Sister Willets mind that she is with her, and a satisfaction to us all. I am sure it is so to me especially as it might not have been in my power to have been with her so quickly as necessary, travelling with a young Child, and it would have given me great uneasiness had she no Sister with her in her hour of distress but that is now made all easy, and I seem to be

allmost assur'd we shall all have reason to rejoice in her happiness I fear from the tender affection I am sensible you bear her that you and my Mother suffer much anxiety about her, but hope you may quickly be reliev'd, & your concern turn'd into joy. I think Davy looks healthyer then I have seen him do a long while, I am thankfull to hear you enjoy so good a share of that blessing, and also my dear Mother, may you have a long continuation of it, and every other happiness you desire which is the hearty prayer of my dear Father

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

The Children all offer their duty to you their Grandmama & Aunt please to say for me also M^r De Lancey has been at York all the week and is not yet return'd

[Addressed:] To Cadwallader Colden Esq^r
att Coldenham
March 7, 1755

From Alexander Colden to his sister, Katharine Colden

NEW YORK 16th April 1755

My Dear Caty

Last friday I had the pleasure of yours of the 9th. M^r Markham came to Town that Evenning. I was not at home when he came & did not See him 'till next day. The Particulars of what I know passed between him & the Vile wretch E I have mentioned to my Father—as its a disagreeable Subject which vexes me whenever I think of it shall drop it & refer you to that letter for particulars. If nothing unforeseen happens I intend to set out for the

highlands with the very first op^{ty} after I have dispatched the Posts on Munday M^r Markham spent one Night with Sister Willet & another Night with Sister Jenny at Sister De Lanceys. I had a letter from Jenny last Munday she writes she intends to be at home the end of this or beginning next Week. I have a letter of fridays Date from Sister Willet she writes she is quite hearty & well I expected M^r Willet in Town these two days past. They are all well at Westchester. I sent the Cardinal flowers & the Dogs tooth to M^{rs} Parker Inclosed is the Message from her & the Seeds. M^{rs} Nicholls desires me to thank you for those you sent her. My Father writes to me about your shoes. I have called at Stouts Several times Since but cant meet with him. He has taken a place at fresh Water & is owt there. I don't expect he has made y^r Shoes or can do them now but I want him as he has y^r measure to get a p^r from some other shoemaker or give me the measure that I may get a p^r to take up with me. I Send the white wash Brush for my Mother. Your Sister is so buisy Ironing that she can't write Our love attends on you the Children offer their Duty We are all in health I am

Dear Sister

Y^r Most Affec^t B^r

ALEX^r COLDEN

[Addressed:] To Miss Katharine Colden
at
Coldenham

From Mrs. Peter De Lancey

WEST CHESTER June 24th [1755]

Dear Sir

Your favour by Brother Cadw[allader] I had the pleasure to receive Saturday last, but n[ot by] himself;

his busyness would not allow him time to co-[torn] far. your letter gave me but poor incouragement about [your] state of health, but this morning I had the pleas[ing] account from my mother's letter by Honeywell of the re[sto]ration of your health and Spirrits, for which I am truly t-[torn] long have the con[tinu]ance of. [W]e still all continue well. I believe ther-[torn] hardly such a number of Children together again [torn] injoy so good a share of health as ours do. M[r De Lancey] and my self are hearty & well I thank God. [We] often make the same reflection you do Sir about the [bo]ys, & wish Stephen was with a good Marchant but we [have] been so unlucky that those, that M^r De Lancey has [s]poke to, could not take him. I believe he will do better [torn] that busyness then any other. Chambers is learning [him] book-keeping, with his other studies. Peter M^r [De] Lancey designs for the College, if we are so happy [as to] see it on a good foundation. I am sorry it meets [with] so great opposition. The satisfaction you are [pleas]ed to express you have in hearing often from [me] has forwarded my laying hold of the first oppor[tuni]ty of writting to you but have time [to] ad no more [than] to offer my most [torn] Mother hearty love to my sisters & Brothers & also M^r De Lanceys [and] the Childrens regards to you & them I am Dear Sir

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

One of the Children will be very glad [torn] of waiting on you up Sir as soon as you [torn] time [torn] already a struggle who shal[1] [torn]

Thursday June [torn] As I mist the opportunity I [torn] this by it [torn] the opportunity of adding a [torn] I suppose Sister [Will]et has wrote by the post [torn] of the near [torn] she has had of loseing [torn]

also her Husban[ds] & Childs. 'tis frightfull even [torn] she gives of it, and affords us great reason to [torn] her preservation I believe she will be very [torn] to ride in a chair but she gives me hope [torn] her soon, but will take care to have a [torn] Chair

[Addressed:] Cadwallader Colden Esq^r
at
Coldenham

[Endorsed:] [J]une 24 1755

*From Mrs. Peter De Lancey to her mother,
Mrs. Cadwallader Colden*

WEST CHESTER June 7 1756

Dear Madam

Since I wrote last I have had the pleasure of letters from my Father, Sister Jane, & Brother David for which I am much oblig'd to them all, my Father for his affect^e letter in particular I have not been so hearty lately as usual. I am often taken with a swiming in my head, and a lowness of Spirrits that I have not been us'd to, sometimes it seizes me so strong and the oppression so great that I can have no ease till I give a hearty vent by Tears, which looks childish but I cannot help it. I find any vexation I meet with increases it, which makes me on my guard to prevent it, & I hope it will wear off; if it may be a means of wearing off that fretfull & passionate disposition I so often give proof of, I shall be very thankful. who knows but my kind Benefactor, my never failing mercifull Disposer, takes this means to cure me, as I have never yet been subdu'd by all his past indulgencies. when fair means wont avail we must expect those that are more severe, if there is any love left for us: may I not frustrate his will. The above reason Madam has hinder'd me from writting to you & Sister Jenny before,

my head will not allways allow me to write when I should be glad to do it, but I have not been any time so ill as to be confin'd either to my bed or room. I hope you have got over the lameness in your leg. I was concern'd to hear you was so poorly with it I pray God restore you to your health, & continue you long in that blessing.

No doubt you have heard of Sister Willets & her husbands indisposition, I was sorry I could not go to see her, M^r De Lancey went & found them poorly, but we hear they are bravely again, but weak, my Sister the heartiest of the two; as she has wrote all along to me, I make no doubt but you have also had particular information by letters about her from herself. the three oldest Boys are now gone there being holyday time, perhaps you may have a letter from her by them, if the Bearer is not gone when they come back. I am very soon to part with Stephen and a hard parting I know I shall find it at first as he is a very dutyfull & usefull Child to me but I have all the consolation I could expect in parting with him; haveing the pleasing prospect & expectation of its being for his advantage; he is going to live with M^r Beverly Robinson to learn the Marchants busyness; from whoes charecter, I have great reason to hope for Stephens well doing: I am busy fitting him to go in a little time. Peter is also to go to toun soon, & both of them would have been there before now, could we have got lodging for them to our liking. I wrote to M^{rs} Moore but she could not give a positive answer at that time, and for some particular private reasons was not sure whether she could take them at all, but wrote very obligingly about it. It gives me a great addition to the satisfaction I have in M^r Robinsons taking Stephen, that after a short while (he says in a month) he will keep him to lodge with him. he is to be at his Pappa's lodging till that time. we have not yet fix'd upon a lodging for Peter, but I believe it will be at M^{rs} Spencers. M^r Johnson is to teach him, & I was in hopes he would have lodg'd him also, as I think it is a great advantage for any of them to be in one house but he declin'd it, & recommended the one I mention'd

this was only last Saturday, so that I have not yet had time to write to her about it, but shall soon, for M^r De Lancey seems to like the mentioning it, very well. You & my Father will see Madam that we are not without thoughts about putting the Boys to some busyness; it is often best not to be over hasty. I have not been without many wishes & thoughts about them. I pray God what we now propose may turn out for their good neither are we neglectfull of my Fathers favourite John, I think I told you I had wrote my self to M^r Nickolls about taking him, & that he had not refus'd, but say'd as he had three Clarks then whose time would not be out till the fall, it would be best for John to continue at his lear[n]-ing till then; so that I'm not without hopes he will take him at that time. Stephen brought his Sister Nanny from York Saterdag to spend the holydays with us, her Aunt desires she may return to compleat this quarter, & stay another, but I believe I cant spare her she & the rest, with Aly Colden who came up with her offer their duty to you all Please to say also for M^r De Lancey and me I have room to say no more

Yours, dear Madam, most dutyfull

ELIZ: DE LANCEY

*From Mrs. William Willett to her mother,
Mrs. Cadwallader Colden*

HARISON'S PURCHASE June 11th 1756

Dear Mad^m

When I have been for any time without writing to my Dear Mama, I feel as tho' I had neglected part of my duty and cannot rest till I take Pen in hand to perform it, but I seem to have so little to say, that I dont know but it will be a greater brach of duty to trouble you with a letter than being silent woud be, but as I know it will give you satisfaction to be assur'd from under my own hand, that I am perfectly recoverd from my late illness,

and Mr Willett in a fair way of geting soon well, that will be agreeable to my tender Mother shoud I say no farther, and I have something else to tell you of that I expect will also be pleasing to you, which is that I have hyered a young woman by the Year to live with me. She only came last Sunday and was an intire stranger to me before, but from the Character I have of her, I make no doubt but she will answer all the ends I want her for. She has come of one of [torn] familys in the place, but by the misfortunes of her father obligd to goe out for her Living Shoud she continue as obliging and ready as she has been this week, I shall think I have been quite Luckey in geting her. by our agreement she is to assist if required in any thing in the family, and to have the intire care of making the Cheese She and all her friends shewd such a desire that I shoud take her, that it made me the fonder of doing it. We have lost another Negro since you heard from me, the Indian wenches Child dy'd suddenly with convolsions last Sunday it was as fine a Child as ever I saw of its age, this is the 5th Negro besides Phila's Child, that we have lost in about 16 months. I think I have never been a week together since I was a Mistress of a family, that I cou'd say we had none Sick in the House. several of our Sarvents have been layd up lately, but they are all got about again. I wish much Madam to know perticularly that you have got intirely free of the Lameness you had lately I hope soon to have the pleasure of hearing it from your self

Sister De Lanceys three eldest Sons were here last Munday their Mama I find is very poorly at times, she complains of being very heavy. I long to know if we are like to have the happiness of having a Sister with us in time of our danger and distress, the thoughts of being without one of them at that time, wou'd sink my Spirits so much, that I wont allow myself to think of it [until I] am forc'd to it W[hen] I begun my letter I did not think I shoud be hurry'd, but there is one going to Rye, who will carry my letters and obliges me to brake off

more abruptly than I wish for and I can add no more but to assure you of M^r Willett's and my most Affec^t duty and Sisters and B^{rs} of our tenderest Love I am my dear Mamas Most Dutifull & Obedient Daughter

ALICE WILLETT

[Addressed:] To M^{rs} Colden

att

Coldenham

From Mrs. Peter De Lancey

WEST CHESTER July 2^d [1756]

Dear Sir

I never wish'd more for your advice then I have done of late; I shall be impatient of M^r Mur, the Taylors return, by whom I wrote yesterday; I mention'd I something of my disorder, near three weeks ago by, Tho^s Neelly & begin to think he has neglected to deliver the letter. I have not had an intire days health since, but many changes in a day, and for short spells quite easy, & well; and as suddenly other wise. The disorder lyes chiefly in my head, sometimes like a tight binding round my head other times like the drawing of strings from the top of my head, and other times as if my brains were all in motion; at which times my thoughts are very confus'd, and it generally goes off, with a great lowness of spirrits: I have some times a trembling all over me, and a fluttering at my heart and like a choaking, or some thing rising in my throat but that is better since I was bled, which Doc^r Magrager advis'd. M^r De Lancey unknown to me acquainted him how I was when I was first taken, he is uneasy about me & has kept close at home with me he talks of going to York tomorow to take some advice what to do for my relief. Doc^r Bailly came accidentally here yesterday and advises a blistering plaister on my neck, which he says he has had experience of doing well

in the like case; but M^r De Lancey wont let me make use of it, till he asks farther advice; I seem to think it would do well, & wish I could know your mind about it. Just now I feal as if I had no need of any thing, I am happy and easy, but I cannot depend upon its lasting long, would to God it were his pleasure that it might. The disorder has alter'd me more than any sickness I ever had, sometimes I think I shall not be better, till there is a change in my circumstances; if so, I shall endeavour to resign my self as well as I can to the Will of my Heavenly Disposer

Waren & Suckey are both bravely to day, the rest of the Children hearty and well, they join and Aly Colden with them, in offering their duty to you & their grand mama, and all their Unkles & Aunts; M^r De Lancey joins with me in desiring to be dutyfully & affec^ly remember'd to you all. after what I have already said I know I need say nothing farther to desire you would let me hear soon from you, it will be a great satisfaction to my dear Father

Your most dutyfull
& obedient Daughter

ELIZ: DE LANCEY

P.S. Sunday 4

Since friday evening that I wrote the above my disorder'd has discover'd it self more visable to me about two hours after I wrote my letter I was taken with a great lowness of Spirrits after which I had what they tell me was an Histerick fit, & which alarm'd poor M^r De Lancey and the Children very much; I have been better ever since, and shall not be so uneasy about my head, & shall be better able to judge what remedy to apply, for which Sir I beg your speedy advice. I would feign not let such a disorder get ground with me, and shall with all the resolution I am able guard against it. I shall now lay aside thoughts of the blistering plaister. I am oblig'd to keep my self very quiet, for any disturbance makes me disorder'd. M^r De Lancey takes the trouble of man-

aging the servants, & I am forc'd even to have the little Ones kept from me, but I hope it will not continue long It is a great ease to mind that I have not y^t apprehension now of the disorder in my head that gave me such uneasyness, tho' this gave me such a terror of its returning, that it kept me from sleep the whole night after; as soon as I began to dose I wak'd allways in a fright. But I must say no more the Bearer being a going Please to repeat my affections to all my dear friends I have receiv'd Sister Janes letter which gives an acc^t of my letter to my Mother being come to hand the Children are all brave & well to day

[Addressed:] To Cadwallader Colden Esq^r
att
Coldenham

From Katharine Colden

HARISONS PURCHAS Sep^r 3^d 1756

Dear Sir

I was in hopes to have had it in my power by this time to have give you the agreeable accounts of my Sisters being happily deliver'd, I thought when I wrote to Mama that it would have been over with her very soon, but we have no reason to be out of patiance as her reckoning is not out yet. she is as chearfull as could be expected, she and my B^r behaves in so kind a maner, as to make my being hear quit agreeable to me. I am very well and could I know that all was so at home should be quiet easy. I long exceedingly to hear how my Dear Mama dos, but am afraid it will be some time yet, before I have that happiness.

The accounts B^r David give off Oswego makes me impatient to know what resolution you are come to in regard to your moving. I hope if you are obliged to move Mama will make her self easy her being otherways, may

be a great hurt to her and it is impossable it cane be of any sarvas

My Sister says she would chuse Belly befor Dumbar and she thinks if you do move you had beast bring your chare as there may be some times 2 chares wanted Mr Willett has 2 good chare horsses. I belive my Mama had beast bring the 4 post bedsted and green courtans. my Sister has plenty of beds and cheets, but I belive it would not be a mis to bring Pillars and Blanckets for one bed, there will be no occasion to bring any table lennon. I have been thus perticular that you may avoid giving your self any nedles trouble, but O how it would rejoice me to know there was no occation for your haveing any and that your & my Mothers days might be spent in all manner of calmness. I hope my Dear Papa and Mama will be assured that my most dutyfull regards atend them and that the hearing of there happyness will be the greatest thing that cane add to the happiness of there

Most Dutyfull

& Most ob^t Daughter

KA: COLDEN

[Addressed:] To Cadwallader Colden Esq
at
Coldenham

*From Captain James Cunningham,¹
the Earl of Loudoun's Aide-de-camp*

ALBANY 13th Nov^r 1756

Sir

His Excellency the Earl of Loudoun being informed, that you have with the utmost care and ability, taken exact Surveys [of the grea]test part of this Country and

¹ Colden's reply to Captain Cunningham, dated December 6, 1756, is printed in *N. Y. H. S. Collections for 1921*, pp. 100-103.

as [torn] necessary for His Majesty [torn] an exact Chart be immediatly composed; I am therefore Comanded by his Lordship to beg the favour of you, to supply him with your Surveys, [a]nd draughts, hoping with their assiss[ta]nce, to be able to compleat this use[ful] Work. His Lordship after having had Copys made of them, will return the[m] to you, and in the mean time will not fail to represent the assistance you have given him

I am Sir

Your [torn] [obe]dient [torn] Servant
[torn] -ame
Aid de Camp

From Alexander Colden

NEW YORK NOV^r 1 14 1756

D^r S^r

I have y^{rs} by the Express & that by M^r Ellisons Sloop. that for the Gov^r I sent to him imediately. I am glad to find you were pleased with my Sending the Express. I hope you may remain in Safety and free from any uneasiness. M^r Watts ² this day told me he was Sending up Provisions for the Troops order'd on the Frontiers that he had a letter from Gale they had got to Esopus and I hope are properly Posted by this time. I have wrote to my Sister acquainting her of your Staying at home Doct^r Johnson ³ is gone up to hire the House for his familly who are oblided to leave the Town on acc^t of the Small Pox.

I Spent the first Evenning after M^r Appy ⁴ (E. Loudon's Sec^{ry}) arrived with him at Tavern he express'd himself greatly oblided to you for the Civilitys you shewed him and Said he Would write to you

¹ *Sic* for December.

² John Watts.

³ Samuel Johnson, President of King's College.

⁴ John Appy.

The Second day after Lord Loudoun came to Town I went to his Levy to pay my respects to him he then talk'd to me about Maps & Surveys. The Next Morning he Sent for me and I was with him two hours. I then took with me the Maps you had Sent down. Mr Cunningham not being in the house he open'd your letter & read the whole in the Presence of Gen^l Webb¹ & S^r John S^t Clair When he came to that part where y^o Mention Earl of Halifax going to the Treasury and not Succeeding but why you knew not Oh replied his Lordship I know the reason they don't care to part with Money. He Said he thought Since they would allow you no Sallary for y^r Services you was right not to take any further trouble about what you had proposed. He Expressed himself well pleased with the Maps you Sent down and those I deliver'd him & desired me to give his Compl^{ts} to you & thanks He was so Exact as to Note all the Maps I deliver'd him in his own book & Said they should be carefully returned to me He also shewed me Several of the Drafts he had taken and shewed me Lake George from a Survey he had order'd and how Eroneously it has been laid down in all the Drafts he ever saw. He Said he would have me to Spend an hour or two again with me & I should have a Sight of all his Drafts. He also observed on what you mentioned of the loss he has & would be at for want of a good Map of this Province & Said that he was now endeavouring to have one made that it would be of little Service to him but would be of use to those who should come after him That he was not under the same Disadvantage that you labour'd under for he had money to defray the Expences that would attend it. He behaves in that afable manner that one is under no restraint in talking to him

Last Sunday Arrived the Irenne by whom I rec^d a letter from Collinson he desires to be remb^d to you respectfully he had nothing material to write *Doct^r Bevis Delays we cannot help* I Send the Herbalists

¹ Daniel Webb.

which came now & before the Inclosed from my Cousin ¹
 Came inclosed to me you forgot to Send the one he
 wrote to me before M^r Collinsons letter is Dated
 Sept^r 22^d By the ship Fame I have a letter 14th Sept^r
 from M^r Harison ² who writes "I have the Pleasure to
 "assure you of Success in the resignation of my office ³ to
 "you M^r Morley & M^r FairWeather are to be y^r Se-
 "curitys every thing is ready for Signing I shall send
 "the Deputation by next Pacq^t rest assured of it as if in
 "your Possession The Captⁿ ⁴ of the Irene says he saw
 the Deputation both he & the other Captⁿ wished me joy
 on their Arival The latest papers are of the 19 Oct^r
 much to the purport of what youll See in our papers with
 regard to the King of Prussia The Phisick for David
 is in my b^{rs} Chest, the tichen, Herbalists, & a bundle for
 Caty. I have been extreamly hurried getting my b^{rs}
 Goods we are all well I hope youll excuse my not
 Enlarging I am with Dutifull regards to my Mother
 D^r S^r

Y^r Ever Obed^t & most
 Dutifull Son

ALEX^r COLDEN

The Shoemaker has again Disappointed me in y^r
 Shoes tho I have called on him every Day Since the
 Sloop has been in Town & he promised me them last
 Munday without fail I find him so disobliging have
 been oblided to Employ another for my family. If I
 had had y^r Measure would have got them made Else-
 where
 Nov^r 15th

¹ The letter from Alexander Colden, son of Rev. James Colden, dated London, 20 Sept., 1756, is printed in *N. Y. H. S. Collections for 1921*, 92-94.

² George Harison.

³ Of Surveyor of Customs at New York.

⁴ Christian Jacobson, Captain of the snow *Irene*. *N. Y. Mercury*, Dec. 20, 1756.

From Cadwallader Colden to Archibald Kennedy

[Unsigned copy in Colden's handwriting]

Nov^r 17th 1756To M^r Kennedy

I expect the Governor ¹ by the same conveyance which carries this will receive from our Colonel an account of an incursion made last Sunday on our frontiers by three different parties of Indians near Mamecatine on the road between Rochester & Minissink at about twenty miles from my house. They at the same time fell on two men on the road to the Westward of the place and on two men and a Woeman on the road to the Eastward of it. One of the men to the westward was found killed but not scalped nor stript the other not found & therefor supposed to be carried away. One of the men to the eastward of the house was killed scalped & stript, the womans horse was shot through but not disabled. She and the other man made their escape by rideing. The man who escaped says he saw four Indians & he is positive that he knew one of them who pursued them farther than the rest did. The same day a barn & barracks on the same road belonging to one Bevier near Rochester were burnt & several of the Cattle killed some of which were found with Lances run through their bodies & left in them. It is firmly believed that this mischief was don by Indians who deserted from us last fall but their useing lances makes me think that some Indians of the distant nations have been with them because the Indians in these parts were never known to use lances & it is most probable that they are guides to strange Indians

Twenty men of Capt^a Smeddus's company went on Munday morning to the place & thirty men of Capt^a Newkirks company went on tuesday morning both parties from Coll Ellisons regiment. Tho they relieved the people by their comeing from great distress who were at a distance from neighbours yet it was not expected that

¹ Sir Charles Hardy.

the Indians would wait there comeing. Several sticks with the bark peeled off & set in a regular figure were found on an Indian path which it is supposed was don for intelligence to some other party which had not been present.

I am informed by my son who came from Kingstone on tuesday that Coll Hardenbergh, in whose division Mamecatine is, designs to withdraw the inhabitants which will be a bold act without the Governors orders. If this be don I know not where the desertion will stop I am well assured that a considerable number of families will immediatly leave their houses & several thousand bushels of wheat be left to the discretion of the Ennemy. The family where this mischief has been don are truely to be pitied The house has been several times attempted since last fall & they have defended themselves resolutely till they had assistance. They have now lost a son & if they be at last forced to leave their house by not being supported I am told they will loose about 700 bushels of wheat besides their buildings.

His Excellency has been informed in what manner the frontiers in this part of the Country can be effectually secured but however desirous he may be, he cannot without the assistance of the Assembly It is true I have heard some objections have been made to the method proposed & what method can be proposed which will please every man & serve sinister purposes; but surely the method proposed & the objections to it deserve to be strictly examined & if this be don I am persuaded no doubt will remain of what may be proper.

You nor no man who is not present can readily conceive the hardships this part of the Country has undergon last winter & summer in guarding the frontiers & the expence it has occasioned to the poor people who can barely subsist their families. The complaints of my neighbours, which I too frequently meet with on such like occasions as this, must be very grating to a sensible ear & I wish I could be freed from them. They say we willingly pay our share of all public taxes for securing the

City of New York and otherwise tho' New York has never been attacked & probably never will while the English remain Masters at Sea Shall we they say who are placed between the Ennemy & the rich be despised & neglected because we are poor when the money that is necessary for our defence would be no more felt by the rich than a drop of water is in the Sea The neighbourhood of New Jersey where their frontiers are effectually secured & the inhabitants living in security aggravates these complaints & occasions disagreeable reflections.

You can hardly conceive what little security can be had from a Militia where the inhabitants live scattered at a distance from each other as in this part of the country & where proper officers to command them cannot be found I mean officers who can have any degree of Authority over the men Besides an opinion prevails that the officers have no authority over the men but by act of Assembly & in all cases where the Militia act is silent orders may be disobeyed without fear of punishment & even the Kings Authority in this case is doubted Nay I am credibly told & I have good reason to believe it to be true that one of the principal officers in the northern part of this Country has openly declared that when the Governor sends him orders he will give his orders accordingly but that if the Governor has not the act of Assembly to support his orders the people may obey or not as they please I mention these things to you because probably the Militia Bill will be before you You know I gave my sentiments with respect to the present regulation of the Militia very fully last Winter I am every day more & more confirmed from experience in what I then thought.

Please to let me know whether any thing effectually may be expected for however disagreeable it is for a man to leave his own house if you do not give me well grounded hopes I shall accept of a kind offer my son in law Delancey has made me of a house near him The season of the year will not admit of delay.

*Daily News from New York City, May 1-8, 1757, Sent
by Alexander Colden, to his father, Cadwal-
lader Colden*

1757 May 1st Arrived the Sloop Man of War The Ferrit Captⁿ Upton ¹ in whom M^r Pitcher ² came passenger He left London about 11 weeks ago and Plymouth about 8 Weeks Since The Fleet and Transports designed for America then Lay'd ready at Spithead to sail for Ireland to take in the Troops 6 regts and M^r Pitcher thinks they sailed with the same wind he did. Its said the two Regts of highlanders raising in Scotland are likewise coming over Admiral Holbourne Commands this Fleet.

S^r Charles Hardy is to be the second in Command has his Flag come over and its Said will Hoist it tomorrow on board of the 50 Gun Ship now lying here and will soon sail for Hallifax. We now have four Men of War here & upwards of 50 Sail of Transports all lying in the North River, some More expected from Boston & Philadelphia but I see no troops as yet that they are to Carry Its Suposed our Fleet will leave Ireland about the 10th of March.

Byngs Execution which was to be the 28th of febr^{ry} was put off by a reprieve for a few Days. this is look on as a forerunner of his Pardon.

Admiral West is Cruizing in the Bay of Biscay.

The English Watch the French so Narrowly they Dare not Sent owt a Fleet but Steal away their Ships one by one

The Melitia Bill is passed with this alteration that they do not Excercise the men on Sundays as was proposed.

M^r Pownall Certainly has his Comission as Gov^r of Boston and comes over in one of the Men of War in the Fleet.

¹ Arthur Upton.

² Commissary James Pitcher.

May 2 M^r Shirley has met with no preferment as yet, neither has he passed his Acc^{ts} as far as we can learn.

M^r Pitcher (who was at Oswego when taken) says Littlehales¹ was not to Blame in delivering it up and Capitulating. That the place was not tenable and that if he had not done it at the time he did The French would have soon put them all to Death. That notwithstanding the Capitulation one Article of which was that they should march owt with all their Bagage The French wer so long in Marching up to the Fort That the Indians Pillaged all they could he saved nothing but what was on his back The french he says did it with design that the Indians might have all the Plunder it being all they get from the french for their Services. That when they Landed at Montreal their was a Lane of Soldiers from the Landing to the Gov^{rs} House as a Guard & to keep the Indians from Hurting them notwithstanding the Indians to ingratiate themselves with the French & to shew their pretended hatred to the English fell upon Littlehales (who was the first that Landed) & knocked him down & it was with difficulty he escaped & the rest of them to the Gov^{rs} House where they remaind till the Billets were made owt for their Lodgeings. That they were well Lodged in Merch^{ts} Houses & well treated 'till Vaudreuil (the same that Commanded the Party that came against Fort Henry & was at the taking of Oswego) arrivd he then (Villain like) told the Gov^r y^t when he was Prisoner he was ill Treated & that we Treated all Prisoners we took most inhumanly after this M^r Pitcher says they found a sensible difference. This fellow at a head of a small Party was Surprized and taken somewhere about Chinecto & Suffer'd to return to Can-nada on his Parole not to serve in the present War 'till he was exchanged for an English Prisoner so that if he ever be taken again he will meet with no Mercy but be tuck'd up immediately

May 2 Its said by some who say they have it from good Authority that our Fleet Consists of 16 Sail of the

¹ John Littlehales, Lieutenant-Colonel of the 50th Regiment of Foot.

Line & that the Number of Troops won't amount to more than 5000 Men that are coming over as the Regts have not above 700 in each The 2 highland Regts raising are not Completed & of Course will not come over with this Fleet. There is a great deal of guess work in the News talk'd abroad For Affairs are carried on with the greatest Secrecy. S^r Charles has been with my Lord ¹ From 8 this morning till Sunset. The Boston & Philadelphia Posts detained

3^d Ten forenoon. The Posts still detained. The Alb^y Post did not set owt till last night This morning rec^d Orders to procure an Express for Albany. We have Expresses going owt & Coming in from Boston, Phi. & almost every day of the week.

4th At Day break the Adm^l Blue flag flying at the Mizen Mast of the Nightingale Man of War Capt^a Campble ² our Station Ship. At Sun rise the Men of War, transports and Merch^t Men Saluted the Flag

Its talk'd the Adm^l has orders to go to Hallifax immediately but that my Lord & he thinks it advisable to Sail with the Transports.

M^r Barons & his wife & Gov^{rs} family are going home in what Vessel know not but am told they are packing up & preparing for it.

May 5th Its rumuor'd about Town that Gen^l Abercrombie is to be our Gov^r, his aid De Camp denies it & yet by his Denial I think I can find there is something like its being true. That is if its no so Already it may be in the fall. Its like we may hear something about who is to be Gov^r when the Pac^t ³ Arrives which I now hourly expect. He stays so long I am in hopes he will bring the March Mail

We learn from Jamaica, Antigoa, and Curracoa that one of our West India Pacq^{ts} is taken by a Privateer

¹ John Campbell, fourth Earl of Loudoun.

² James Campbell.

³ The *Harriot* packet, Capt. Bonnell. *N. Y. Mercury*, May 2 and 16, 1757.

whom he beat of twice but the third Attempt was taken
That the Privateer used the Captⁿ one Phillips barbarously by Cutting off his Nose and Ears of which he died in a few days after

6th This day Sailed 12 Sail of Merch^{tmen} who were Loaded and Cleared before the Embargo no other vessels have liberty as yet to Sail nor I Suppose won't till the fleet sails

7th A letter from New London mentions a report Prevails the Fleet are Arrived at Halifax No particular News by the Posts

8th A Letter by Post from Boston dated 2^d Instant mentions in this positive manner The Fleet under the Command of Ad^l Knowles Consisting of 25 Sail of the Line and 200 Transports are Arrived at Hallifax. Its not Credited as only one letter mentions it. No Express to my Lord to Acq^t him of it. And the last Accts from England Mentions Holbourn is to Command & a fleet of 16 of the Line to come

Sunday 8th The Transports and the Artillery Men are all at work this day so that we now begin to seem in Earnest to get our fleet away. A L^t Coll of The train and 400 Men belonging to that Regt are comeing over If they be su[c]h as we already have they are as likely fellows as I ever saw

Sunday 8th May Its said The Fleet will sail in a fortnight I doubt it & beleive they will take another week at least for the troops are not yet come from Alb^y but are sent for. The Transports not manned & no sailors to be had & I find they are doing & undoing every Day fitting owt a Fleet is a New thing here & a tedious peace of work it seems to be. two pacats still lay here waiting his Lordships Dispatches One of them Arrived here some days before that one sailed which I now hourly expect from England

From Lieutenant-Governor James DeLancey ¹

NEW YORK 4th Nov^r 1757

Sir

Yesterday noon I recieved your letter of the 31st of October enlarging on the reasons which induced you to think that your part of the Country would be better defended by the line of Blockhouses from near Vancurens to the outlet of the drowned lands than by continuing a line from Capt. Broadheads along the Road to Minissink. I at the same time recieved your map of that part of the Country, for which I am much obliged to you. they were both laid this morning before the Council, when they advised me to give directions for building the five blockhouses on the line you proposed. I wrote to you before that these blockhouses could not be built without my Lord Loudouns approbation as it depended on him to place men in them to cover the Country: just after the Council had come to the resolution you have here inclosed I recieved a letter from my Lord of the 31st of October, an extract of which I send you: So that you are now to consider how far it will be proper to have these blockhouses built, or whether the method proposed by my Lord Loudoun to cover the Country will not answer the purposes: If you think them absolutely necessary, you have my directions in consequence of the advice of the Council to cause them to be built as soon as possible and you are to consult and determine upon the proper places where they may be most usefull. The Council have advised me to keep up Cap^t Thody's ² company for the defence of the Country till further orders I am

Sir

Your most obedient & most humble Servant

JAMES DELANCEY

The Hon^{ble} Cadwallader Colden Esq^r

¹ Colden's answer to this letter is printed in *N. Y. H. S. Collections* for 1921, 209-11.

² Michael Thody.

From Cadwallader Colden to Archibald Kennedy

[Unsigned copy, in Colden's handwriting]

FLUSHEN July 17, 1758

S^r

I did not receive yours of the 12th till late on Saturday night & as I heard next morning that the Army was returned to Fort William Henry & the design of marching the Militia laid aside I perswade my self that it can not be necessary for me to be at New York at this time nor can I conceive any use it can be of. If there should be any necessity a letter can reach me in less than three hours time. I condole heartily with you on the melancholy accounts we have especially on the loss of our Worthy friend.¹ I am really so much afflicted that company would be uneasy to me Solitude can only give me ease at present. If I could be of any use to poor M^{rs} Rutherford I would go a great way to be so I am

To M^r Kennedy

*From Alexander Colden to his sister, Katharine Colden*NEW YORK Ap^l 25 1759

Dear Katy

I with great pleasure perused your kind favour of the 16th by Coll Elissons Sloop. I heartily wish it was in my power to Contribute towards your not growing Dull I would very Chearfully do it. This you may depend on I will write as often as I conveniently [can] I will even through aside the Man of buissness [torn] a few Minutes to Converse with my Kate. Perhaps my Scrawls may please, tho not worth perusing. This be assured they are wrote by a Brother who loves you most tenderly

¹ John Rutherford, Major of the Royal American Regiment, was killed at Ticonderoga, July 8, 1758. *N. Y. Mercury*, July 24, 1758; Livingston Rutherford, *Family Records and Events* (1894), 93, 95.

& then whom none wishes you more happiness then y^r humble, but Affec^t Serv^t

Keep a Light Heart my Girl, be Chearfull & stir about. The whole Management of the family will now lie on you & I make no doubt but our Catharine will soon be found to be as Carefull as Jean notwithstanding of her Wild Giddy humours I wish you full employment every hour of the Day so that you may have no time to imagine y^r self Dull & so tired at Night that you even cant Dream for sleeping What did I say Dull, surely my Sister Caty cant be dull. Think but what share you ha[ve] of my heart. how my bosom Glows when I thi[nk] of my God Daughter & then I have the vanity to think that wi[ll] make my girl Cherafull. I am determind to have a game of romps with her Sometime this Summer. Pretty Jamy goes up next week he will see you if possible. Banyar pine tops never came to hand. All my tribe says Love to Aunt Caty Y^r Sister Joins heartily in best wishes and Affections This letter is only for y^r perusal I am as you know

Y^r

ALEX^r COLDEN

Sister Farquar ¹ & (I Suppose) the Doct^r Dine with Neighbour Watts and are to spend the Evening with my wild Bess & the Post Master or Master Post at M^r Harisons I wish you could make one. I know not how it is but I know not how to leave of Chatting in this unconnected manner with my Cate but faith I must or not write to some others of the family & then perhaps I may be——

Hannah Field has had the Measles and been very Ill but in a fair way now of doing Well

[Addressed:] To M^{iss} Colden
at
Coldenham

¹ Jane Colden married in March, 1759, Dr. William Farquhar.

*From Mrs. William Farquhar to her sister,
Katharine Colden*

NEW YORK 16th May 1759

Dearest Sister

I felt the greatest concern upon hearing of your illness, & heartily wished I could have been with you, it was a great comfort to me that you was growing better when I heard from you, but that is so long ago that I am exceedingly anxious to hear again. I hope for the best accounts, should it be otherwise, that you do not recover your health, I will endeavour to go to you if possible. M^r Farquhar consents that I shoud. The little assistance you can have in your now small family must make any sickness the more distressfull. poor Davy I think I see with what care & tenderness he attends you. I beleive I must be in his debt till the next opportunity for his affectionate good Letter. My dear M^r Farquhar is confined to his Chair (at least can stir but little from it) & I ought to be with him to divert him all I can. I did not tell Papa how he got his hurt but I will tell you, & will excuse your laughing at the manner it was done, for I know you will be sorry for the effect. I came into the Parlour where he was with (as he afterwards told me) a mighty demure face, to remove which he took me up in his Arms, was turning suddenly round with me, & Renched the Sinews of his Thigh. he seemd in a good deal of pain at first, but I little thought it would grow so bad as it now is, & I fear he will not soon get well of it. O Cate if you had a Husband you would feel for every little Sickness or pain he had, in a manner you knew nothing of before. I have not had an opportunity to write to any of you since M^r Farquhar & I was at West Chester, accompanying Sister Willett so far on her way home, we staid one Night & had a pleasant jaunt. She poor Woman met with a great damp to her lively Spirits by hearing of M^r Willetts hurting him self, of which I suppose she gives a particular account in her Letter to Brother Davy. Sister De Lancey's family were all well

the end of last Week. That you may very soon be restored to a good State of health is the earnest Prayer of my dear Caty

Your Most affectionate Sis
JANE COLDEN

Your Brother Says he belives you will hardly find out the meaning of his Rime that it aludes to your saying you would write purely to plague him

[Addressed:] To Miss Colden
at
Coldengham

From Mrs. Alexander Colden to Katharine Colden

NEW YORK 9th Augst 1759

My Dear Sister

I have your very affect^d and oblidgeing favour of the 3rd Ins^t I rejoyce to find you are well and that My Brother got well home I was concerned I could not return with him as I had once purposed but you know I am a very great fool and I know not how to help it. I was disapointed of the hous I expected to have at Blooming-dall a Set of young Gentl^m that have a Club there once a week would not give it up and I can't get any other hous so that I am oblidgeed to stay in town which I am Sorry for as it is exstreamly hot, and Sickly among Children My poor dear Peggy has bin Ill ever since her Unkel left this of a fever so that it was very lucky she did not go up with her Unkle as I should have bin very unhappy to have had her sick from home thank Go[d] I have got pritty well again but this hot weather prevents me geting my strength your Brother Colden and the Children except Peg are I thank God perfectly well May this find you all injoying the Same Blessing. Pleas to offer My most dutifull regards to My father and Mother and affect^d Love to self

I most heartily congratulate you all on the Sucksess of our Armys I dair say it Must have given you all new Spirits as it did every boddy here Your B^r had a Letter from Captⁿ Abber: ¹ last Night dated from Crown Point the 5th Inst he says they are all well and in high Spirrits. I hear George Turnbull ² is well but have not had any letter from him since the reduction of Niagara it gives us infinite pleasure to find our old Friend S^r Will^m ³ is like to gain so much honner by that affare we begin to be impatient to hear from M^r Wolf ⁴ Our last Acc^{ts} from him are very good but fear he wont find the french quite so Complisant to him as they have bin to M^r Amherst ⁵ Captⁿ Prescott ⁶ goes home in Lutwedge ⁷ who sail a Satterday it is a little hard upon Lutwedge [w]ho came in only a Tuesday. Poor Morris ⁸ had like to have founder'd at sea going home and is oblig'd to stay to repair his Ship so that we dont expect him this Month I assure you My dear Catty I long extreamly to see you as I have a Thousand things to say to you that cannot well be committed to paper. I hope nothing may happen to prevent your Comeing down in the fall. I do not allow myself to doubt of your Makeing my hous your home when you are here. I intirely forgot to send your Cloke up by David as I intended I shall send it the first good opp^{ty} you have forgot yourself Strangely my dear Catty in saying you Never had My Cloke give me leave to remind you that Lucy brough it on board from Sister Farquers in Stead of yours and as yours was not to be found I perswaided you to take it up with you least you might have had weather going which you agreed to and I My self hung [torn] the door of the

¹ Captain James Abercrombie, Amherst's aide-de-camp.

² A Lieutenant in the Royal American Regiment.

³ Fort Niagara was surrendered on July 25, 1759, to Sir William Johnson, who succeeded to the command before the Fort after the death of Gen. John Prideaux.

⁴ General James Wolfe was investing Quebec.

⁵ Referring to General Jeffery Amherst's taking Crown Point.

⁶ Captain Robert Prescott, of the 15th Regiment of Foot.

⁷ Captain Lutwych, of the *General Wall* Packet.

⁸ Captain Morris, of the *Earl of Leicester* Packet.

Cabben however it is a very [torn] and Not worth
 giveing yourself Much troble about only it used to serve
 me in rain to save a better. Your friends in broad Way
 desire to be affect^{iv} rememberd to you all Your Br
 and the Children desire me to say for them God Bless
 you My Dear Catty be assured [of] My Most Sincear
 and hearty prays that all happyness May ever attend
 you being your Truly affect^t Sister

ELIZth COLDEN

[Addressed:] To Miss Colden
 at
 Coldenghame

*From Mrs. Cadwallader Colden to her daughter,
 Katharine Colden*

COLDENGHAM No^{vr} 6th 1759

My Dear Catty

It pleas'd me very much to hear of your resolution
 of going to Rye to assist your poor distressed sister,¹ her
 letter to me was very moving & I wish the trouble she
 then sufferd both in mind, & body, may not have effected
 her in her present Circumstances. I hope nothing fell
 out to prevent your going at the time you propos'd, I
 shall be quite anxious to hear again from her. Your
 Papa is writeing to her, & it will be needless for me to
 add any thing at this time, what he says will be of most
 use to her.

Your Br received the things you sent, late on Satur-
 day Night & seems pleas'd with your care. He thinks
 the Tea is good I shall send for a lb of it to day &
 if we like it, you need not get the six lb I put down in
 the memorandum. We have all kept very well ever
 since you left us Katty Johnston came on Sunday
 after, which was as soon as she could The last of the
 servants 4 coats will be finished this day. I'm surprisd

¹ Mrs. Willett.

at her dispatch, she will work me out of such work as I have to do (that is such as she likes to do) I think it wou'd be best for you to send the peice of Ticken & swing silk with first opportunity, that will be imployment for her and I beleive she will be pleas'd with my teaching her the method of Binding it. Cou'd you think of a Handkerchif or any thing els that wou'd be suteable for her. I like to make her a present to the Value of 8 or 10 sh she well deserves a reward.

I am much oblinded to your sister Colden for the supply of Aples she designs for us. Those we have got from our Neighbours are all roted we were to send this day to Pattrick M'Claughrys for some of his which they call very good, & hard, but I expect they will be such as we have had from our other Neighbors I shall let them allon as I now expect to have better. I shall take care to save Pittatoes for your sisters. You know I desingd to send some by you, but as they prov'd so full of spots we thought it wou'd not be worth their while to have them, those we use seems to grow rather worse, however they shall be sure of some of the best, but I wou'd advise them not to miss an oportunity of providing better if they come in their way.

If this should meet with you at N. York (where I beleive from your owne inclinations you won't be untill you can leave your sisters family in a fare way of recovery) I shall expect a particular account from you how you left them & particularly how my dear Aly is in her health after the surprize and fatigue she must have undergon. Pray my dear Child be carefull of your owne health, and tho' I have no inclination to hurry you, yet you must not run the risque of being too late in Comeing home upon your owne account. Where ever this may find you, let all I'm particularly concern'd in be assured of my tender regard for them. That you may enjoy happyness & content of mind is the great desire of Dear Catty

Your most affectionate Mother

ALICE COLDEN

We shall supply our selves with your Brothers Tea I think it pretty good I think we must have half a doz: breckfast Cups & saucers, there is more of the New ones brock than I knew of I wou'd not Choose to have them so large as those last. If you shou'd chance to see any salts that woud sute what we have, get 2.

[Addressed:] To Miss Colden

To Mrs. Cadwallader Colden

NEW YORK Aug 17th 1760

My dear

As Katy goes with this I did not be particular in many things which she can tell you better than I can write I am still of opinion that my administration will be easy to me They are not the least complasant who I suspected might be other wise the only difficulty I have had is as to the apointment of a chief Justice I have kept to the resolution I took before I left home which I believe will give general satisfaction & that not above two men will be displeased with it. Peter De Lancey has been to visit me & came to town only for that purpose I wish you soon down that we may be in what we may call our own house & where we will be more retired than we can be any where else I am fully perswaded you will be very easy tho' there is a necessity of laying out more money than we thought of. I wish to have a good large horse for a chair If Cadw^r or David hear of any let me know it & the price but not to send him down till you hear from me again. The packet is come in but no material news As soon as the packet goes I design to go to West Chester or if it do not go this week I'l indeavour to go on tuesday. I have my health well tho' it has been very hot.

Aug. 18 Munday. Last night we heard that both

armies were marched on the 10th from Oswego & Crown Point. Capt DeLancey ¹ had marched in the Van on the 7th before [the] account of his father's death ² arrived on the same day. The last of the Army marched on the 10th. They have about 700 Indians with them. The Army from Oswego consists of 10,000 & that from Crown Point of 5,500. Gen^l Murray is marched from Quebec in 40 transports & 3 frigates. I hope we shall soon hear of their meeting at Montreal. Hopes of peace in Europe are not intirely laid aside. I now long to see you in good health & pray take care of yourself. Remember me affectionately to Cad^r & David & our grand Children. I cannot leave the town till we hear from the Gen^l.

Your affectionate

CADWALLADER COLDEN

[Addressed:] To M^{rs} Colden
at Coldenham

From Katharine Colden to her niece, Ann DeLancey

[Draft, unaddressed and undated]

[COLDENHAM, c. 1760?]

Dear Nanny

It give us all a perticular pleasure to hear by Yours to Grand Mama, that you was well, and of your larning to dance, it is surtenly a very usefull acomplishment to Young Lady who is indued with so much descreation as you are to make a right use of it. its very pleasing to all your friend to find you have so gratfull a sence of your Parents indulgence to You the pleasing of our Parents I find to be one of the most substantial plasures we

¹ Captain James DeLancey, of the 46th Regiment of Foot.

² Lieutenant-Governor James DeLancey died July 30, 1760.

can enjoy this life. the finding that they approve of my actions, makes me pleased with my self, and contented with my present setuwaytion, which you know is none of the agreeablest for a Young person who has no fault to find with the innosent amuesments of life. I have ever since I returned hom desined my self this pleasure as I remember'd I was in your debt, and must not expect a letter from you while I remaned so, but want of health must plead my excues. I have not been in a cappascety of writing but very lettel for these tow month past but I thank God I have reason to think my self perfectly recover'd, as I have had no semtems of a return of my illness for these ten days. I hope my Dear Girl you will write to be [*sic*] it will always be a pleasur to me to hear from you but perticularly so when you are from hom. pray make my complements to your Aunt and cozen. we are all well and remember you affectenatly

I am my Der nice

Your most aff aunt

K C.

From Katharine Colden to her friend, Caroline

[Draft, unaddressed, written on the back of Katharine Colden's letter to her niece, Ann DeLancey.]

[COLDENGHAM, c. 1760?]

Dear Miss Corrolin

I find it a defickel task not to follo the exsample of those we love, and esteem, when I had the pleasur to receive your favour I was resolved to acknoleg it very soon, but have been hendered through want of op^{ty} and other acsedents. the pleasure that is natural for one to have in have kind things said to one self, is no small in tuesment to me to wish to get letters often from you. I assure you my Dear Carrolin look on it as a mis fortien my being deprived of your conversation and would do

all that is in my power to make a justellerne correspondance agreeable to you. but I live in a part of the world where I can inform you of nothing that can be intertaning to a young Lady, but I forget I am writing to one who has more pleasure in hearing of the well fare of her frends, then in all the gayeties of the world, and I thank God I can inform you, that all your hear, at present enjoy a good stait of health. I have had a long fit of illness this somer, but am now quit harty. My Mother has also at times been desordered, with an intermeting feavour, there has been a vast dell of sickness in the country ever since we returned to it, we have reason to reckon our selves greatly favoured to wat our Neghbours have been.

I congratulat you and all the family on your sister Merry. pray assure her she has my warmest wishes, for her being a partaker of ever happiness that this world can aford. I had the plasure last week to hear from my Sister Farquhar, of your family, and of your sisters moving to town. I expect to be there some time next month. I should reckon it a great happiness, should I be so fortunnet as to meet with you there. I shall make it my buisness to wait on your sister as soon as I gett in town. I hope her being in town will be a means of my getting letter more freckent, as it will be easy for you to convey them to her, and not great trouble for her to send them to my B^s or Sisters. I know she would take a great dell more trouble to give me a les pleasure

Pray remember me to all our kind Nighbours particularly to Miss Hanna Feild. she must excuse me for not writing to her. I have nothing to say after assuring her of my best wishes. tel her she may look upon her gloves as lost, for I have not seen the faice of Young Gentelman since I came home, but pray do not let this descreg her from fullfling her kind promis to coming to see us. I doubt not but she will have better luck, then I have had. wont you my Dear Carolen give me a home [*sic*] of seeing you hear. I can give you no other incurregment to do it, but that of give us all a

great pleasure, and laing a perticular oblegation on her
who is with great esteem

Your aff^t friend & humble sarvant

K COLDEN

*From William Livingston to David Colden*¹

NEW YORK 27th April 1762

Sir

In the Case of Mc Neal at the Suit of Clows & others I have received Notice from the Adverse Attorney that he intends to move for a foreign Jury on the affidavits copies of which he has sent me. The facts set forth in the affidavits are I think reduceable to these two points 1 the Great Influence of your family in Ulster County & 2^d That the County itself is concerned in Interest

As to the first, it is no legal objection against the Cause being Tryed by a Jury of Ulster, & without such objection the Court will never order a foreign Jury. As to the 2^d it is unanswerable if true, but I am informed that M^r Campbell is gone up in order to destroy all connection of the County with the Lands in Question. If he succeeds in this Errand, I think the other objection ought not to induce the Court to grant a Foreign Jury. If he fails, & the Plaintiff carries his Motion it is then to be considered from what County the Jury shall come. We object to Orange by the direction of M^r Simrel; they will reject Albany on account of the prevalence of the Dutch Language. To accommodate the Matter without troubling the Court, they propose a Jury from Dutchess as wholly disinterested upon all, which I shall be glad of your Advise & Direction but as I can not possibly call on you by reason of my attendance at Court (where I am

¹ David Colden's reply to Livingston, dated April 27, 1762, is printed in *N. Y. H. S. Coll. for 1922*, 155-56.

writing this) I should be glad of a Line as soon as possible. I am

Sir

Your most humble Serv^t

WIL. LIVINGSTON

[Addressed:] To
David Colden Esq^r

From Charles Clinton to David Colden

ALBANY June the 28 1762

S^r

I Received a letter this day from my Son George Desiring me to Inform You what was done in the Suit brought by the proprietors of Minisink Against John McNeill. all I know of the Affair is what follows. I was on Monday the thirty first of May at New Windsor where I met Accidentally with Major Colden,¹ that afternoon M^r Peter Dubois Came to perform Some Surveys for the Defendant preparatory to a view, that Same Evening M^r Livingston ² Sheriff of Dutches Came with a Jury to view the lands in question. the Major and I went on the Sloop they Came in (having first given M^r Dubois Directions to Run the west line from the Mouth of Murderers Creek to the high hills of Minisink the Boundaries between Minisink patent and the Lands of Briges ³ and Company) M^r Livingston Informed Us he had Orders to Sail down the River with the Jury to Stoney point and view the South Side of the Highland where he Expected to meet M^r Crane their Surveyor. Col Ellison ⁴ and the Major thought proper I Should at-

¹ Cadwallader Colden, Jr.

² James G. Livingston.

³ The patent to John Bridges and Company, or the Wawayanda Patent, in the present Orange County, N. Y.

⁴ Thomas Ellison.

tend the Jury there. I went with them in the Sloop where we arrived the first Instant abut 7 of the Clock forenoon, where Capⁿ Lamb Gave the Sherrieff a letter from M^r Scott to Inform him that he was to stay there till M^r Crane would Come to him which would not be till the thursday following if so Soon. We waited till Saturday Morning and then the Sloop, that were going up the River with the Judge & Lawyers Came to Anchor in Haverstraw Bay. I was very Uneasie all the time thinking the plaintiffs would take Some advantage by that Delay to hinder the Defendant of the Benefit of the view. as Soon as I was apprehensive that the Lawyers were on board I got a cannuie and Went to M^r Livingston ¹ and M^r Ogdon,² Inform'd them how long we had been there, had done nothing and that there was no More time then to perform the view in but Six days which was little enough for the Defendant, that as the plaintiff Squander'd his time Idlely Away we would Insist on the half the time, that if that would not be Allow'd us We Could not be prepared for tryal. M^r Livingston and M^r Ogdon went with me to M^r Smith and M^r Scott and talked the matter Over with them, who Said there was a mistake in the Coppy of the Order Sent to their Surveyer, the view was to be the Second day of June, in his Copy it was Said to be the Second Tuesday. after a good Deal of Discourse on that affair the plaintiff's Lawyers agreed to Send An Order by me to the Sherrieff to Discharge the Jury when I gave the Order to the Sherrieff I Desired a Coppy of it under his hand which he gave me. I must Confess I was very well pleased. the Defendant had the Chance of an Other Jury, the Sheriff's Conduct Seemed unexceptionable. I Expect you have by this time a full Account of this affair from Your Brother the next day after I Return'd from the Jury I Came to attend a Jury of view here. I hope we shall be Better prepared before next Court to try the Case with the

¹ William Livingston.

² David Ogden.

proprietors of Minisink patent. They are to pay the Charges as the Misconduct was on their Side I am S^r

Your most Humble Serv^t

CHAR CLINTON

My Humble Respects to his
hon^r the Leu^t Governour
pleas to Excuse haste the packet
being Commonly Closed Sunday
Evening I was afraid to take time
to write my Letter fair

To M^r David Colden

S^r

The post being gone before I had finished My Letter
I have Sent Inclosed a letter for my Son George and pray
the favour of you to forward it I hope You'll please
to Excuse my takeing the freedom to give you this
trouble I am S^r

Your Most Humble Ser^t

CHAR CLINTON

[Addressed:] To M^r David Colden To the
Care of Cap^t Alexander Colden
Post Master in
New York

From Philip Skene

[Right edge mutilated]

NEW YORK y^e 17 of Aug^t 1763

Sir

I take this Liberty, being inform[ed] [torn] part of
the Lands within the enclosed memorandu[m] [torn]
Under Consideration to be Granted to a Corps of Artil-
ler[y] [torn] other persons applying for them.

I have reason to think that the Hon^{ble} Gentleme[n]

[torn] not know, that I had Actually Settled those very Lan[ds at] Fort Ann, by the encouragement of Sir Jeffery Amherst, i[n] 1760, & 1761; and I flatter myself with the Hopes that you and the Gentlemen of the Council will Consider the Gr-[torn] I have been at, in Settling lands durin[g] [torn]-ing Servants in my Absence, when my [torn] Expeditions of Martinique and the Hav[ana]

As the Patents have not passed the [torn] not, before your Honour is pleased to give [torn] before his Majesty's Council, that I may [torn] of not only proving the Above Ascertainments [torn] any Measures that may be thought Rea-[torn] the Settlement of the Lands in question; Should [torn] Gentlemen of the Council, Grant me a Patent for [torn]

I am Sir with the gr-[torn]
your most [torn]
P [torn]

The Hon^{ble} L^t Governour Colden

[Endorsed:] 17th August 1763

Major Skene's Letter, concerning his Lands & settlements on Wood Creek.

*Henry Constant's Petition to the Commissioners for Trade and Plantations, November, 1763*¹

[Contemporary copy]

To their Excellencies the Lords Commissioners of His Majesty's Board of Trade and Plantations in North America

May it please your Excellencies

The humble Petition of Henry Constant of New York humbly sheweth

¹ Cf. letters in Colden's letter book, in *N. Y. H. S. Collections for 1876*, 309, 331, 335, 338.

That whereas your Excellencies said Petitioner sail'd from the City of New York in the Sloop Dove, Nicholas Bogart Commander, the property of John Bogart Esq^r Lott and Low, and Richard Sharp, all of the City aforesaid, on the 13th of Oct^r 1761 to the West Indies; And on his homeward bound Passage from the West Indies to New York he was met and taken by a French Privateer Called the Marshall De Bieron belonging to Bordeaux Captⁿ Larue Commander, the Property of Monss^{rs} Genestute and Joyeuzes Merchants in the City of Bordeaux aforesaid; And whereas the aforesaid Sloop Dove was Ransomed by Captain Nicholas Bogart aforesaid, for the Sum of 30,000 Livres S^t Domingo Currency; A[nd whereas] the aforesaid Owners, Namely John Bo[gart] Lott & Low, and Richard Sharp of New [York] did in the Month of March 1763 Cause [to] be remitted the Sum of 30,000 Livres aforesaid to Mess^{rs} Scott and Company, Merchants in London to pay the Ransom and to redeem the Ransomer, me your Excellencies Petitioner; and whereas the aforesaid Mess^{rs} Scott and Company did write to be informed of the Expence, and was a[nswered] by a Letter from your Excellencies Pe[titioner] dated June the 14th 1763, and whereas [torn] Excellencies Petitioner has since [torn] wrote divers and sundry Letters to [torn] and Company; but has never since [torn] to procure the least answer, but [torn] suffered miserably to Languish in th-[torn] of Bordeaux commonly called the Town house, more than a Year and a half, to the great prejudice of the health and Interest of your Excellencies poor Petitioner, and so horrid a presumption of Justice comes immediately before your Excellencies Cognizance [torn] department; Your Excellencies poor [torn] therefore, confiding in your Excell-[torn] and Humanity, humbly implores that your Excellencies will be pleased to send your immediate Orders to the aforesaid Mess^{rs} Scott and Comp^y and to remit the Ransom and to Redeem your Excellencies Petitioner; and that your Excellencies will Command the Secretary of the Hon^{ble} Board to write a Letter to your

Excellencies Petitioner, addressed to the Prison aforesaid, whereby he may be informed and the world may see, that one of his Britanick Majesty's Subjects can always have Justice done him by applying to a board, where Members are composed of a sett of Gentlemen who die an Honour to their Country and the age they live in; And your Excellencies Petitioner, as in Duty bound, shall ever pray

HENRY CONSTANT

[Endorsed:] Copy of [torn]
of Henry [torn]

Commission to David Colden as Weighmaster

[Document, on vellum, with seal]

George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth

To all to whom these presents shall Come or may Concern
Greeting

Know Ye that we reposing especial Trust and Confidence in the Loyalty and Integrity of Our Loving Subject David Colden Esquire have Ordained constituted and Appointed and by these Presents do Ordain Constitute and Appoint him the said David Colden Our Weighmaster of and in Our Province of New York in America to Occupy use and enjoy execute perform and exercise the Said Office and every thing which unto the said Office doth or may belong by himself or his Sufficient Deputy or Deputies Together with all such Fees, profits, perquisites, Salaries, Advantages, and Priviledges as do shall may or Ought to belong or Appertain to the said Office To have and to hold the said Office of Weighmaster of and in Our Province of New York with all and singular the premises aforesaid unto him the said David

Colden by himself or his Sufficient Deputy or Deputies for and during Our Pleasure In Testimony whereof We have caused these Our Letters to be made Patent and the Great Seal of Our Province of New York to be hereunto Affixed Witness Our Trusty and Well beloved Cadwallader Colden Esquire Our Lieutenant Governor and Commander in Chief of Our Province of New York and the Territories depending thereon in America At Our Fort in Our City of New York the Twenty First Day of January One thousand Seven Hundred and Sixty Four in the fourth Year of Our Reign

CLARKE

[seal]

*Report of the Master and Wardens of the Port on the
Petitions of Four Suspended Branch Pilots*¹

[Document signed]

To the Honourable Cadwallader Colden Esq^r his
Majesty's Lieutenant Governor & Commander in
Chief of the Province of New York & the Territories
depending thereon in America

May it please your Honour

We the Master & Wardens of the Port of New York have Duly Consider'd the Contents of the Petitions, of John Driskell, Will^m Hibbin, John Omand & James Ward, late Branch Pilots, refer'd to us By your honour to make a Report thereon, the only thing alledg'd Against them was thier Obstinacy in Refusing to take charge of The fleet of Ships that lay ready to proceed to Sea, at a time When the Wind & Weather permitted, We then thought it high time to acquaint your honour of their Neglect of Duty.

They are able Pilots, & some of them in pressing cir-

¹ Filed with N. Y. City Misc. MSS., 1764.

cumstances, we therefore Recommend them to Your Honours Clemency.

JOHN GRIFFITHS
JN^o SMITH
THOMAS VARDILL
DANIEL STILES
JAS. JAUNCEY

[Endorsed:] Master and Warden's Certificate
in favour of the Branch Pilots
superceded for refusing their Duty
1764 Feb^y 8. Read and all to be
restored except to Hibbin.¹

To James Duane ²

[In David Colden's handwriting]

M^r Coldens Compliments to M^r Duane & Sends him
an Abstract from M^r Vroomans letter Dated Albany Apl
12 1765 that he may give such Directions in Answer
thereto as he thinks proper

“Please to inform the Gentⁿ who want to have their
lands Survey'd, that they must find their own
stores & Send some proper person to defray the
Expences of the Survey. Its impossible for me
to be troubled therewith”

N Y Apl 22^d

I shall have an op^ty to forward a letter to M^r Vrooman by a person who gos to where he is this Day or tomorrow

[Addressed:] To
James Duane Esq

¹ Cf. *Calendar of Council Minutes 1668-1783*, 463.

² From the James Duane MSS. presented to the New York Historical Society in 1914 by Mrs. Cornelia Jones Chadwick and Mrs. Maria Duane Cox.

*Account of Expenses for the Two Mohawk Indians
Returned from London*

The Honourable Cadwallader Colden Esq ^r		} Dr
Lieutenant Governor of the Province of New York		
May 1765	To Cash paid Robert Wallace for Lodging, Dieting, washing, Liquors and Attendance on two Indians, who came from London while they remained in New York	£7.14.0
	To Cash paid for their, and Patterson's Passages (the Person attending them), to Albany and for Provisions and Liquors .	£1.10.0
	To Cash paid Patterson for Attending them from New York to S ^r William Johnson's and for Waggon Hire from Albany .	£3. 0.0
		<hr/>
		£12. 4.0

[Endorsed:] May 1765
An Account of Expences
Attending the sending the
two Indians (who Arrived
from London) to S^r William
Johnson
N^o 1

*Arguments, c. 1765, about the Boundaries of Evans' and
other Patents, in Orange and Ulster Counties, N. Y.*

[In David Colden's handwriting]

Heads of some Arguments to prove that the
Lands in Question are really contain'd within the

bounds of the Lands Granted to Captⁿ John Evans, And that if they are not, neither are they within the Pattent of Minissink: which doth not, nor cannot by the express words of its boundaries, Extend to the East side of the Minissink or Shawangunk Hills

The Advocates for the Minissink Pattent Argue, that Captⁿ John Evans's first Purchase extended no farther southward along the banks of Hudsons River than to the Dance Chamber,¹ tho' the Esopus Indians sold *to the Land belonging to the Indians at Murderer's Kill*:² which they pretend to prove by the 2^d Purchase, made of the Murders Creek Indians Beginning at the South side of the Land bought of the Esopus Indians, *being about a place calld by the Christians the Dancing Chamber*

And from the Dancing Chamber, they say, the first Purchase runs with a West Line to Shawangunk hills, or a streight Line to a Pond³ on those Hills, which they (fraudulently) have got calld Maratange Pond, being the name of a Pond mention'd in Evans's Pattent—And that the 2^d Purchase is bounded to the Southward by a Line runing from the South side of the High Lands to the said Pond—And that this last Line is the Line they would make the East bounds of Minissink Pattent.

As Captⁿ John Evans made his Purchase of two different Tribes of Indians, both Tribes might lay claim to part of both Purchases, as is no uncommon thing among Indians. And Captⁿ Evans to avoid a dispute with the Murder Creek Indians might choose to comprehend in the Purchase from them, part of the Lands he had purchased of the Esopus Indians, especially as it is not likely in those days it would cost him one Penny more. Therefore the Murders Creek Saying that they Claimd the Land up to the Dance Chamber does not prove that the Esopus Indians had not as just a Right to Claim & Sell the Lands down to Murder's Creek

¹ A small promontory north of Newburgh, Orange County, N. Y.

² Now called the Moodna.

³ Maratanza Lake, in the southern part of Wawarsing, Ulster County.

That the Dance Chamber cannot be the Southermost extent of the first Purchase upon Hudsons River, Nor that Pond upon the Mountain the Pond mentiond in Evans's Pattent, is evident from the following Arguments

1st A West Line from the Dance Chamber will strike the Shawangunk Mountains far to the Southward of that Pond, & then to Close with the Pond must run Northerly to it instead of *Southwesterly along those Hills &c. and the River Peacadassank* ¹ to the Pond.

2nd A Streight Line from the Dance Chamber to the Pond will not touch the River Peacadassank (where it is so call'd) nor include several spots of Land & Hills said to be contain'd within the Limits of the first purchase

3^{dly} Nor will a North West Line run from the South side of the High Lands (either from Stony Point or Dunderbergh) strike a West Line from the Dance Chamber, And the 2^d Purchase is expressly bounded to the Southward by a *Northwest* Course from the Mouth of the High Lands to the first Purchase, and as Northwest is a determined Point of Compass this plainly shews that the first Purchase was thought or intended to extend at least as far Southerly as to be struck or met with by a Northwest Line from the South side of the highlands.

The same Arguments prove that the Pond calld Marantange by the Plaintifs cannot be the Pond mentiond in Evans's Patent—As a farther prooffe of which it must be observed That the Western bounds of the first purchase is expressly described to Extend far to the Southward of that Pond: for it extends *all along those Hills &c., and the River Peacadassank Southwesterly to a Water Pond calld Maratange* ² lying upon said Hills. than which nothing can more evidently Point out the situation of the Pond beyond all contradiction of living Evidence whatsoever. For as it was proved at the last

¹ Now Shawangunk kill.

² Now called Binnenwater, in Greenville, Orange County.

tryal this River Peacadassank was so calld only to the Southward of a Place calld Peacadassank & which place is to the Southward of Clowes Pond. Besides all which the Living Evidences for supporting the Southermost Pond to be calld Marretange are much more substantial and less lyable to Exceptions then those who assert the other Pond also to be calld by that name

But suppose that both Ponds may be proved to have been calld by that name time out of Mind, then must not that, that best answer the description as to its situation by Written Records be the Pond intended or meant in the Pattent

Admitting of the Southermost Pond to be the Pond then the boundaries of both first & Second Purchase of Captⁿ Evans, closes without the least difficulty or absurdity, as will also the Pattent of Minissink which Binds upon it. But if this be not the true sense of the Words of those Pattents, then they are full of the greatest absurditys & inconsistencies immaginable and in none more so than in Minissink Pattent itself, in so much that it is hard to conceive how the words of that Pattent can bring the boundaries thereof to close with any other construction put upon them—which is so plain that even supposing the Lands in Question (notwithstanding all that has been said) are not containd within the Limits of the Land formerly granted to Evans, yet by the words of the Pattent of Minissink they cannot be comprehended within the Limits of that Pattent by which the Plaintiff claims them, for Evans's Pattent is bounded to the Westward by a remarkable range of Hills or Mountains stretching nearly North and South

The Pattent commonly calld Waweyanda (granted to Bridges & Co.) upon which the Pattent of Minissink is also butted, is bounded to the Westward by the same range of Hills. The Pattent calld Minissink Pattent granted Eb: Wilson & Co. takes its begining on the West side of those Hills or Mountains at a Place Seven Miles Southward of the Pond the Plaintiff would fix to be the South bounds of Evans's Pattent, from which place of

begining of theirs they are to run to Delaware River and so round till they come to the Pattent of Waweyanda or the Land granted to Bridges & Co. *and so along that Pattent as it runs Northward and the Pattent of Captⁿ John Evans, and thence to the place it first began* which plainly supposes and will bear no other reasonable construction than that when they come to the bounds of Bridges & Co. they are to continue along it and the range of those Hills till they come opposite to their first Station and then to cross the Hills to the Place it began Instead of which they would run no farther *Northward* than to the North west corner of Bridges & Co., then turn & run *East*, (a course not once mentioned in all their boundaries) about 30 Miles to meet (as they say) with the Pattent of Captⁿ Evans, and then along his Line North 30 Degrees West (which is a course also not mentiond in Evans's boundaries) above 30 Miles more to this Pond that they call Maritange, and then when they come there as was before observ'd they are about 7 Miles to the Northward of their first Station. So that instead of continuing one plain Direct short Course, according to the words of their Grant from where they strike Bridges & Co. to their first station, they take a Sweep of above 60 Miles at the end of which they are near as far from their Point as when they took this offset, and their last Course must now be South instead of North to their first station directly contrary to the Words of their own Pattent—and if this be not absurd and inconsistent, nothing is so

Another evident prooffe that the Lands granted to Captⁿ John Evans extended to the Southward of the Pond the Plaintiff sets up, is the words of the Pattent of Rochester, which was taken up by the People of Rochester, who were conversant with the Indians, spoke their Language and may be supposed to be acquainted with the bounds of the Lands the Indians had Sold to Captⁿ Evans but a few years before the date of their Pattent and they bind their Pattent upon the Northwest bounds of Captⁿ Evans's Land as far as they extend Southerly

viz to opposite the Sand hills which is 5 or 6 Miles to the Southward of that Pond.

*Petition of David Johnston and Oliver DeLancey for
Confirmation and Grant of their Lots in the Mini-
sink Angle*

[Contemporary copy, unsigned]

Copy

To the Hon^{ble} Cadwallader Colden Esq^r Lieut
Gov^r &c In Council

The Petition of David Johnston in behalf of himself & Oliver De Lancey Humbly Sheweth

That her late Majesty Queen Ann by her Letters Pattent under the Great Seal of the Province of New York dated the 8th Day of August 1704 Did Give Grant ratify & Confirm unto Mathew Lyng & 22 other Persons therein named all that Tract of Land commonly calld Minissink lying & being in Orange & Ulster Countys Beginning at a certain place in Ulster calld &c *here the description is inserted*, and thence to the place it first began

That a very great part of what is commonly calld the Angle of Minissink was so long ago as in the Year 1711 in due form of Law divided & allotted to the then several Proprietors of the said Pattent as by the Map of such Partition & allotment enter'd of Record in the Secretaries Office of this Province may Appear

That your Petitioners are now in due form of Law entituled to all the Right which the Proprietors then had in the several Lots of the said Angle herein after mention'd, & in the following proportions to wit In right of Jarvis Marshall one of the Original Pattentees for a three & twentieth, two Lotts to wit Lott N^o 16 and Lott N^o 39 Containing each about 1200 Acres with one full three & twentieth part or share of the undivided Right

of the whole Pattent. That David Johnston & Oliver De Lancey Purchased from the Assigns of Jarvis Marshall as also the Lotts N^o 25 & N^o 43 they purchased of the Heirs and Executors of Dirk Vanderberg

That your Petitioners conceive that in that early Day the true bounds of the said Tract of Land were best understood

That the said Angle has always been deem'd & esteem'd to be included within the said Bounds by the several Proprietors of the said Patent

That Under such an opinion several bona fide Sales for great and valuable considerations have been made & repeated with respect to the above mention'd Lotts, and on some of them the Possessors from time to time have made considerable Improvements

That your Petitioners were always perswaded and fully convinced that the said Lotts and the whole Angle were included within the bounds of the said Pattent and have been confirm'd in this Opinion by a solemn Trial lately had wherein the Jury by their Verdict clearly extended the bounds of the said Pattent was to include the said Angle

But your Petitioners being informd that the Surveyor General of this Province has in behalf of his Majesty set up a Claim to a great part of the said Angle on supposition that the same is vacant Land belonging to the Crown, and being also inform'd that your Honour has Order'd his Majesty's Attorney General to commence a number of Actions of Intrusion against Persons possessing parts of the Said Angle by Title derived under the said Letters Patent, and being unwilling to contend in Law with his Majesty or give the least umbrage to Government by a Defence of the said Actions, and being also convinced that the Expence that would attend such Defence would be too great to be born by them

Your Petitioners therefore altho' they are well convinced that the said Angle is included within the bounds of the said patent are ready & willing, in order to avoid so unequal & disagreeable a Contention with his Majesty

as would otherwise ensue to accept of and do therefore humbly pray a Grant and Confirmation of their several and respective Lotts above mentioned upon such Terms as his Majesty's Lands are now Granted to others of his Majesty's Subjects

And your Petitioners shall

Ever Pray &c.

[Endorsed:]

Copy of David Johnston's Petition on behalf of himself & Oliver De Lancey for a Grant & Confirmation of Certain Lotts of Land in what is calld the Minissink Angle Deliverd by Oliver De Lancy May 6th 1765 together with two other Petitions one from the Heirs of Stephen De Lancy the other from Jimmeson¹ for the same purpose

Cornelius Dubois's Affidavit about Indian Captives

[Contemporary copy]

Ulster } Personally appeared before me Levi
County }^{ss} Pauling Esq^r one of the Judges of the Court
of Common Pleas for the County of Ulster Cornelius
Dubois Esq^r who being Duly sworn Deposeth and saith
that as he has been Informed, both his Father's Mother,
and his Mother's Mother were taken Captives by the
Esopus Indians in y^e former war with those Indians, with
two Boys sons of his Father's Mother; that they Re-
mained Captives among the Indians so long as that the
Boys talked Indian when they returned, that this De-
ponent often heard his Uncle Abraham Dubois who was
one of the Boys taken Captive, & the Father of this
Deponent, talk about those times, and in their Conver-
sation, he either heard one or both of them say, that the

¹ David Jamison, son of William Jamison.

Murderers Kill was the Bounds between the Esopus Indians & the Highland Indians And further saith not
Sworn before me the 27th Cor^s DE BOIS
Day of August 1765
LEVI PAWLING

Coppy

[Endorsed:] Coppy of Cor^s Du Bois affidavit

From Cadwallader Colden, Jr. to James Mac Donald

ULSTER COUNTY Sept^r 18th 1765

Mr James Mac Donald

Sir

I have yours incloseing me two of the N: York Mercury¹ wherein is incerted two very extrardinary advertisements, in Oposition to your Settling the Tract of Land that you have obtain'd his Majesties Letters Pattent for, and which was formerly thought by Some to be included in what was Commonly Called the Angle of Minisink Pattent—Whereas in fact that Pattent can include no such angle by the very express words thereof, even suposeing that, that Land was not included in the grant formerly made to Captⁿ John Evans the Pattent whereof was afterwards vacated and the lands Reasumed by the Crown, But that the Land you have Now got a Pattent for is Part of those Reasumed Lands is What Can be incontestably Proven by undeniable facts *notwithstanding* their so much boasted of *Verdict* which was Such a Verdict as every honest man ought to be ashamed of obtaining in his favour—and that instance alone is enough to alarm every man of Property in the Country at the thoughts of Deceisive tryalls by Jury as they are

¹ The issues of *The New-York Mercury* of August 19 and September 2, 1765.

managed now adays by our Jokeys of Lawyers I shall mention one surcumstance or two, among many that may be given, to shew how far they have a Right to Call that tryall, (they speak of) a fair and impartial tryall It is true the Cause was try'd by a foreign Jury as they Call it wh^{ch} they were at no small pains to obtain, and it is known that they would never Come to tryall till they thought they had a Jury to suit their Purpose, which may be Judged from this Instance, viz: One of the men who was on the Pannel for the Jury knowing himself to be interested in the event of the dispute, or nearly Related to those that were, was so honest as to inform the Plaintiffs Attorney (who was a gentleman also very Deeply interested himself) of it, and that he thought he Could not serve as a Jury man of that Cause, But he was told if he Could Swear that he was not Related to Either the Plaintiff or Defendant in that Perticular Action then depending, he might serve on the Jury notwithstanding, for that they would take care that No other Question should be asked him in Court, which Caution it is Well known was strictly observ'd for it Can be made Appear that three or four of those that try'd the Cause were actually related to Persons interested in the Event of the suit (if not interested themselves) And then again to shew the Partiality of the Evidences they Produced on the tryall it is Notoriously known that the Principal Ones of them, and the only ones of any tolerable Character had Convey'd their Estates to their Children but just before the tryall in order that, they might be admitted as Evidences, by Swearing that they were not interested in the Event of the Dispute, which they Did (God help them) tho they still live on those Estates and others of their Evidences were men of base Vile Characters who would not have had the Least Credit given to their Oaths by any but a foreign Jury (and here in (by the by) Consists the great use of a foreign Jury). these two Surcumstances are Sufficient to shew how far from being fair and impartiall that tryall was, of which there is many more very glaring

Instances—You tell me that they affirm (in Writting under their hands): that the Pond which they say is the South Bounds of the Reasumed Lands formerly granted to Evans and which they Call Marratangie Pond was proved at that tryall to be Called by that Name for upwards of Sixty Years back and that it always passed by that Name while on the other hand the other Pond (or Mude hole as they Call it) never assumed that Name till within Six or Seven Years and Since the Commencement of the Tryal; Now, both these Assertions I will be bold Enough to say is *false* as I can at any time Prove. As to the first the farthest back that they Could Carry the Name of their Pond even by such Evidences as they had, was for thirty eight years before the tryall, which was to the time that it was made appear the Indians had been bribed to give that pond that Name, while the other pond was Proven to go by the same Name by very old and Creditable Men and who Lived within a few Miles of it as long as they Could Remmember and that it was always Called by that Name: And so far from being a Mude hole that it was a Noted fish Pond, and a Place of Great Resorte by the Indians both for fishing and hunting, and Was the Boundary between the Esopus and Minisink Tribe of Indians So that it is most Likely to be a boundary to the Lands Sold by the Esopus Indians to Captⁿ Evans. Besides all which the Scituation of the Pond is so Pointed out by the description given of it in Evanses Boundary, that there Can be no mistakeing the one for the other—Unless it Can be made appear (by that Gentlemans Logick) that to Run North East to the Pond is the Same thing as to Run south West to it, and many other things Eaqually Absurd

I was an Ear and Eye Wittness to the tryall, they so much boast of, and Dare say that Nine tenths of all the by standers if not every impartial one of them, Were much astonish'd at that Verdict which they are so proud of, and which has made them forget that many years ago a Verdict was found for the other Side of the Question, by an *honest* and *impartial* Jury

To Conclude I Cant but think they Expect to frighten you out of your Land by their threats and Advertisements. Indeed Some hundreds of poor People in this Part of the Country (who hold their Lands much under the same Surcumstance as You do yours) have Dearly Experienced what it is to have to Do with Such Powerfull Antagonists & who have so great a sway in the Courts of Justice. But Let not this Detere you who Can with such Ease seek a Remedy Elsewhere I Doubt not of their being Willing to give you ten times as Much for Your title to those ten thousand Acres as they gave for the whole Eleven thousand Acres under the title by which they Now hold which you inform me was but three hundred Pounds, a very Remarkable Surcumstance of what value they put on their own title by Virtue of the Pattent of Minisink, when the One thousand Acres exclusive of your 10,000 acres is Worth Double that Mony under a good title. So that it is not very likely that their *only motive for Repatenting their Lotts in Minisink Angle* as it is Called was to Avoid a *Lawsuit with the Crown* as they Pretend, when besides the Cost of their New Pattents they must Now Pay two shillings and Six pence St: for every 100 acres yearly Quit Rent—While, Could they have held it under Minisink Pattent they would have paid Nothing

In Suport of What I have Said I herewith send you Coppys of a Number of Affidavits Sufficient to Convince any Man not obstinately blind to his own Interest, that the Pattent of Minisink Contains not one foot of Land to the Eastward of the high hills of Minisink—of which you may make what use of you think Proper. I am Sir
Your Most Humble Serv^t

CAD^r COLDEN JUN^r

[Addressed:] To James Mac Danold Esq^r
at the Sign of the Coffie Pott
Corner of Bever Street
New York

*Extract from Minutes of the New York Council
about Appeals*

[Copy signed by Goldsborow Banyar]

At a Council held at Fort George in the City
of New York on Friday the Eleventh day of
January 1766

Present

The Hon^{ble} Cadwallader Colden Esq^r

Lieu^t Governor &c:

Mr Watts

Earl of Stirling

Mr Walton

Mr Reade

Mr Delancey

Mr Morris

Waddel Cunningham }

ag^t

Thomas Forsey }

On Appeal.

His Honour the Lieutenant Governor required the
Opinion of the Council on the following Question.

“Whether by the 32^d Instruction the King has directed his Governor to permit and allow Appeals in all Civil Causes from the Courts of common Law within this Province, and whether his Majesty has by the same Instruction directed his Governor and Council to hear and determine such Appeals.”

Whereupon the Council declared that as the King's Judges, and the most able Council in the Law in the Province, have given their Opinion that no other than an Appeal on Error can lay by this Instruction, they are unanimously of Opinion no other Appeal than on Error is the Intention or meaning of the Crown by this Instruction, and that they cannot take Cognizance of any other Appeal.

His Honour the Lieutenant Governor declared his Dissent to the said Opinion, and Signified he would give

his Reasons for such his Dissent to his Majesty's Ministers.

A true Copy exam^d By

G^w BANYAR
D Cl Con.

From Peter Collinson

LONDⁿ May 16: 1766

Agreeable to my Dear Friends Request I have procured as Good a post Chariot as I could gett, the Maker I think I can depend on & He assures Mee it is a perfect Good One in all Respects. I hope the Wearing will prove it So. I hope my Fancy in the slight ornamental part will not be disagreeable, without Something It would look bald & unfinish'd. I orderd a Little stool that will carry a Grandchild & Occationally, as the Chariot is Large, by Putting a Cushion on It, a Grown person may Sett not Inconveniently to the parties on Each Side. Setting Aside the Packing Case & Shiping Charges &c I have not much exceeded your Limitation of £80 now it comes to £85: 7:

It's both unlucky for you & Mee that I Live So remote from the Court End of the Town where Solicitations are to be Made for redress of Greivances their board Days & Times of being Mett with are So very Uncertain which makes the Difficulty of Carrying your request into Execution. I have been to Wait on S^r Jeffery Amhurst, but He was at his Seat in Kent & that it was uncertain when He would come to Town, then I de[te]rmined to write Him a Letter, requesting his opinion on your affair to which I have yet received no Answer I hope to be So luckky to See both L^d Dartmouth & Conway & then you will hear further from your
Sincere Friend

P. COLLINSON

In Answer to Y^{rs} of Jan^y. 14th 16 feby. 25

I have wrote & given to M^{rs} Davis to putt in a trunk of Goods for your Son & at the Time wrote to Him & Since I wrote ¹ by Pacquet acquainting you that I received of M^r Potts ² £81:15: & placed to your Accont Inclosed is your Acco^t Curr^t which I hope will prove to Satisfaction

Pray Give my Respects to your Son Alexander I have nothing Material now to Write I Answer'd his obligeing Letter of Jan^y 16th I think by Miss Davis's package

P. S.

May 19th I received a very obligeing Answ^r from S^r Jeff Amhurst ³ by it you'l See how the Affair Stands

I consider'd tho' it was a good Season of the Year Yett Accidents might happen'd & the Sum too Much for you to loose So I thought it most prudent to Insure

[Addressed:] To the Hon^{ble} Cadwallader Colden Esq^r
These

*From William Gilliland to Alexander Colden,
Surveyor-General*

WILLSBOROUGH 20th Nov^r 1766

Sir

Your very Extraordinary Letter of the 22^d Sept^r I rece^d a few days ago—why you shou'd tax me with ingratitude I am quite a Stranger—if Laying out my Lotts four or five times as long into the Woods as they front the Lake (as those of Willsborough are) whilst others

¹ Collinson's letter of March 20, 1766, is printed in *N. Y. H. S. Collections for 1923*, 104-5.

² Henry Potts.

³ Printed in *N. Y. H. S. Collections for 1923*, 110.

have theirs in a general way not more than double as long as they are broad—if giving me Scant measure (as is the Case in Doctor Field's¹ & Captain Friswell's² Lotts by 400 or 500 Acres) whilst the Lott which Willson bought from D^r Ross³ Contains near 300 Acres more than the due and which properly belonged to D^r Field's Lott—if Casting me out of the benefit of the Falls on the River Boquet when it was in your power to give it me, If keeping me danceing attendance after you for 12 Months after I got the Lands here surveyed at my own Expençe before I Cou'd get a return of the Survey from you, if refusing to trust those returns (when you were pleased to give them) into my hands untill you were first paid five pounds ^{or} thousand Fees for them without even allowing me to deduct the Money I lay'd out for Surveying other Lands by your own order—If keeping me dancing attendance for fifteen or Sixteen Months after you for the Return of Survey of the tract at Rattle Sneake Den and that unsuccessfully tho the Several Petitioners discharges pass'd the Councill & the prayer of their petitions were grant^d—I say if all these favours lay me under such mighty obligations to you, and merit so much gratitude from me as you seem to Expect, then indeed wou'd there be some Colour for your being so very full of Anger as by your Letter you seem to be with me, for demanding a refund of the Fees you Charg'd upon Lands which were in no wise Chargeable with them, and which so far from being imposed in any other Province, that even the Expençe of Surveying is not Charg'd on Lands granted to reduced Officers in any but that of New York, at least in the Province of Quebec there's no such Charge made—my information may be depended on, I have it from M^r Colins,⁴ Surveyor of that Province, who never attempted to get any Fee from Reduced Officers, never ask'd it, never got it; and for his Actual outlayings, he was Reimbursed (or is to be) by the governm^t and why

¹ John Field. See *Calendar N. Y. Land Papers*, 336.

² John Friswell. *Id.*, 361.

³ James Ross. *Id.*, 357.

⁴ John Collins, Deputy Surveyor-General.

you are better entitled than other Gentlemen holding the like office, is a mystery too deep for me to penetrate.

After all, Sir, you wrong me by insinuating that I want your Labour for nothing if in my power. I had in my power long Since, nay I was warmly urged and Solicited, by a number of Officers, to Join them in making a Demand of a Refund of the Fees from you & if refused to make proper representations thereof where I beleive you wou'd not Choose they Shou'd appear—but I wou'd not Join them, nor did I ever take any Steps directly or indirectly for the Recovery thereof from you untill my application to yourself by M^r Deane, nor wou'd I even then, no nor now, but that I was well informed that you were returning the Fees & had actually Repaid my two next Neighbours M^{rs} Steel & M^r Willson the Fees you formerly Charged them on the Lotts of D^r Judd ¹ & D^r Ross w^{ch} they bought—and why then wou'd you blame me for applying? why deny & Exclude me in particular of that benefit you Vouchsafed to others?—besides, my application was of a more favourable nature than to return the Money, as Mess^{rs} Deane will have a Considerable Sum to give you as Fees for the Lands Lately granted to them, so by discounting as far as my Demand reach'd you Cou'd repay me without puting a penny out of your Pocket—but you were too soon, too Easily displeased—I do not Expect you will refund me Except you refund to others—but if you return them their Money, I have too high an oppinion of your honour and Justice to doubt of your treating me as well, nor Can I Entertain a thought that you will shew any resentment ag^t me by the manner of your making out the returns of survey of the Lands I am Concern'd in & have petitioned for in the names of & for Reduced Officers & Soldiers; for my part I am Ignorant of any difficulty there is in making out the Returns agreeable to his Majesty's instructions, viz^t., the greatest length to Extend into the Woods, and I want them in no other way, but w^d Choose to have Each return for every Soldier &c^a

¹ James Judd. See *Calendar N. Y. Land Papers*, 357.

Seperate & woud think the Lotts' being a Chain longer than broad, Sufficient to answer all that's required by the Kings instructions—Cumberland head I have got surveyed by M^r Palmer¹ & now send you the Notes thereof & the Map to enable you to make out the return for the same on acco^t of L^t Abram Low to whom it is granted. I have never Examined the protation, but fancy the measure is rather Exact, I mean to Sharp—as you know the Course of the Leake between Crown Point & Ticonderoga, and between B.Au.Sable & M^r Peter Stewart's Land. You are enabled without further trouble to furnish returns for those Two tracts on acco^t of the Soldier's &c^a who have petitioned for them and you will much oblige me by puting me in a way of geting Land for the Deficiencys in Doctor Field's & M^r Friswell's tracts, the former being occassioned by your not having had the true Course of the River Boquet and the other by y^r not knowing the Course of the Lake at the time by which I Suffer. Cou'd you not include the amount of s^d Defects in another Lott, which has natural Boundarys, or in some Such manner that may not be troublesome. And if you Still take Fees from others, to be sure you must have them from me—let M^r Banyer have the returns and if he does not pay you I do hereby promise to do it, not only your Fees, but an ample reward for all the trouble you take to serve & for every favour you do me, for you may depend on it, that it will be your own fault if you will not still be on a friendly footing with

S^r

Your very humble Serv^t

W^m GILLILAND

Alexander Colden Esq^r

¹ Thomas Palmer. *Id.*, 685.

From James Duane to Cadwallader Colden, Jr.

NEW YORK 4th April 1768

Sir

Sacket & his Associates will not discontinue meaning to draw us into Terms of Accommodation. I think while our Victory is fresh we should push the Causes to a Determination; which is become the more necessary as their Circumstances are doubtful & may before long become desperate

Such of the parties as I have seen were of this Opinion I have therefore prepared every thing for a final Issue at the next Term: but the Sherif's Blunder in his pannel has reduced us to the last streights, as the View must begin the 7th tho' it will do to meet on some part of the premises, that Evening, & adjourn till morning

I find these Gentry have abandoned their Causes however a View there must be, as the Rule is fixed. If they do not appear it will be sufficient Just to shew each Farm to the Jury for which M^r Charles Clinton or Jacobus Brugh or either of them are appointed by the Rule in 1765 which in this Respect remains unaltered. If you find them engaged in collecting Evidence it will be right for us to do the Same otherwise as the proof lies upon them we need take no Trouble about it—at least till I write to you on the Subject

I am

Sir

Your most Obedient Serv^t

JAS DUANE

Cad Colden Jun^r Esq^r

From David Colden to Cadwallader Colden, Junior

SPRING HILL May 17th 1768

Dear Brother

I was much in hopes that I should have had it in my power now to Send you such good accounts of my fathers

health, as would have made up for my long silence for he eschaped any returns of his Disorder from last friday was a week till Yesterday. But then he had so severe a fit as allarm'd us greatly at the time, & renews the anxiety from which we have been a good deal releived for some time past. He was much Convulsed when first taken Yesterday, and laid two hours before he recovered any thing to speak of; and even then his disorder did not go off as usual—he remaind unwell all the rest of the day, and lost the use of his Legs very much, which seemd to shock him more than any other circumstance of his Disorder. I pray God it may not continue,—it would be hard indeed for him. He has rested well last Night & says he is bravely this morning—we cannot tell how he will find his Legs till after he is up. You may be assured my dear Brother I shall not neglect to write frequently to you while my father is unwell—and I allways remember your request that you should be sent for, in case my father expresses a desire to see you

I hope your Son & Daughters got well Home. My [wife] got the better of the indisposition they left her under, both she & the child are now very well, and all remember you & yours very affectionatly We have no news of any kind.

My dear father is now up—his Legs fail him much indeed, he cannot walk at all without assistance. God grant it may not continue to be the case, for it affects him a good deal

I am

Y^r most Aff^t B^r

DAVID COLDEN

[Addressed:] To Cadwallader Colden Jun^r Esq
at
Coldenham

From Alexander Colden

Saturday Oct^r 22^d 1768

D^r Sir

Yesterday the Gov^r ¹ Sent for me and read a paragraph of Lord Hillsboroughs letter which he desired I would communicate to you at the same time makeing an excuse that his hurry of business since he came to Town prevented his writting to you. I beg'd he would favour me with the Paragraph that I might send it to you which he very readily said he would order to be made owt and Sent to me. Inclosed you have it.² Its some Satisfaction to find your Complaints are attended to by his Majesty & his Ministers. If the Assembly should Comply it will be with a very bad Grace & it would have been more to their Credit to have done it of their own Accord. We have nothing particular from Boston all remains quiet as yet. We are all well & Join in Dutifull regards. I am

D^r S^r

Y^r Most Dutifull & Obed^t Son

ALEX^r COLDEN

The Packet Sails Next Tuesday Morning

[Indorsed:] Oct^r 22nd 1768

from Alex^r Colden

¹ Sir Henry Moore.

² Printed in *N. Y. H. S. Collections for 1923*, 144-45.

*From the Earl of Hillsborough, Secretary of State for the
Colonies, to Sir Henry Moore*

[Letter signed]

WHITEHALL June 7th 1769

(N^o 31)

Duplicate

Sir,

I have received and laid before the King your dispatches N^o 40 & 41. the former of which contains your Speech to the Council and Assembly at the opening of the Session on the 4th of April together with their Addresses in answer thereto.

His Majesty observes with concern the disregard shewn by the Assembly to what you was directed to recommend to them in respect to the mode of appointing their Agent, and their description of this Officer in their Address is too particular to escape His Majesty's notice; His Majesty trusts however that when the Assembly has fully consulted the Precedents upon their own Journals in respect to the appointment of an Agent, particularly in the Years 1709 & 1712, they will be the less tenacious of the present mode; which as you justly observe, can only have obtained by the neglect of the other Branches of the Legislature.

His Majesty trusts that your measures to prevent the ill effects of the Steps which you say some turbulent Spirits have already begun to take to create disturbance will be attended with the desired Success.

Your Letter N^o 41, relates to a matter which the King considers as of great Importance, and His Majesty very much approves your concurring with, and assisting Gov^r Wentworth in every measure that can be legally pursued for preventing waste and destruction of the King's Woods on those Lands which lye on the West side of Connecticut River.

There is but too much Reason to apprehend that the improper encouragement given to the Settlement of those

Lands has been one principal Cause of the Evil you complain of, and therefore it is impossible that the Board of Trade, before whom your representations in respect to those Lands now lye, will think fit to advise His Majesty to consent to any further Settlements in that part of the Country untill some Measures are pursued for reserving to the Crown such Tracts as shall be found upon examination to produce Trees fit for masting the Royal Navy

I am,

Sir,

Your most obedient humble Servant

HILLSBOROUGH

Sir Henry Moore Bar^t

[Indorsed:] N^o 31

7th June 1769

Sectt^y of State

Duplicate

*Copy of Alexander Colden's Receipt for Public Papers,
1765-1769, to Be Delivered to His Father, Lieutenant-
Governor Cadwallader Colden*

[A clerk's copy, signed by Alexander Colden]

A List of Public papers
delivered to Alexander Colden Sep^r 28th
1769 by Captain Alexander Dickson
and Phillip Livingston Jun^r to be deliver'd
to his honour Lieutenant Governor
Colden

Order of Council to Governor of New York ¹ dated
24th of July 1767 restricting the grant of Lands in New

¹ This Order of the King in Council, and some of the other papers in the following list are printed in the *N. Y. H. S. Collections for 1923*, 124-26, 147-49, 123, 154, 95-96, 121-22.

Hampshire included in the Society¹ and Robinsons² petitions

Order of Council to Ditto dated 8th of August 1766 relating to Corrispondence

Order of council to Ditto dated 12th August 1768 relative to the Boundary Line of New York and Quebec

Additional Instruction dated 24th of April 1767 relating to Captain Campbell and other reduced Officers

Repeal of Act for Furnishing the Barracks with Fire wood &ca for his Majesty's Forces dated 13th April 1767

Repeal of the Act for the Erecting certain lands on the west Side of Connecticut river into a County by the name of Cumberland dated 26th of June 1767

Order to Governor of New York dated 9th July 1767 to use a New great Seal and to Transmit the old one

Duplicate of a Letter from Lord Hillsborough dated 13th May 1769 restricting the grant of any lands Included in the Late Indian Cession

Letter from the Board of Trade dated 26th of November 1765 relating to Alteration made in General Instructions about appeals. Also, Copy of a Representation from the Lords of Trade to the King dated 24th of Sep^r 1769 and copy of a report of the Attorney and Sollicitor General relating to the same dated 2^d of November 1765

Letter from the Earl of Hillsborough dated 5th March 1768 relating to an Act passed in New Jersey in June 1766 to extend certain acts of Parliament of Great Britain passed in the 12th of Queen Anne and the 4th of George the First for preserving all Ships and goods which shall happen to be stranded and a report of the Attorney and Sollicitor General dated 25th of June 1767 upon the said acts of 12th Anne and 4th of George the First

ALEX^r COLDEN

[Endorsed:] Copy of the List of Publick letters rec^d Sept^r 28th from Captⁿ Dickson & Philip Livingston Jun^r Signed and deliver'd to the said Gentⁿ by s^d Alex^r Colden

¹ The Society for the Propagation of the Gospel in Foreign Parts.

² Samuel Robinson, of Bennington.

From Lord Hillsborough

[Letter signed]

WHITEHALL, 9th Decemb^r 1769

(N^o 35)

Sir,

Since my Letter to you of the 4th of last Month, I have received your Dispatches N^s 2, and 3,¹ and having laid them before the King, I was commanded by His Majesty to communicate to the Board of Trade an Extract of so much of your Letter of the 4th of October as relates to the Advantages which His Majesty's Service, as well as the Colony, will, in your opinion, receive from His Majesty's Allowance of the paper Currency Bill. The main obstacle to the wishes of the Colony as to this Bill, arises from a doubt whether the enacting that these Bills of Credit shall be a Tender at the Loan Office and at the Treasury, tho' perhaps not within the meaning and intention of the Act of Parliament of the 4th of His Majesty, does not however come so far within the Letter of it, as to make it unfit for the King to instruct His Governor to assent to the Bill. The opinion of the Attorney and Solicitor General, has been taken upon this occasion, and as their report rather strengthens the doubt than removes it, the matter must finally rest for decision with the Lords of the Committee of Council, to whom the Board of Trade will, in a few Days, make their Report upon the Bill.

Inclosed I send you an Additional Instruction, under His Majesty's Sign Manual, forbidding any Grants to be made of those Lands on Lake Champlain which are claimed under Titles derived from the Crown of France, until the petitions and proposals for such Grants shall have been transmitted hither, and His Majesty's pleasure signified thereupon.

I likewise think fit to send you a Copy of His Majesty's Order in Council on the 24th Day of July 1767,

¹ Printed, from Colden's letter book, in *N. Y. H. S. Collections for 1877, 187-89, 190-91.*

forbidding any Grants to be made of the Lands annexed to New York by His Majesty's Determination of the Boundary Line between that Colony and New Hampshire, together with a Copy of my Letter to Sir Henry Moore, of the 13th of May last, on the subject of the Lands ceded to His Majesty by the Treaty at Fort Stanwix; and I am to signify to you the King's Commands, that you do carefully attend to the restrictions contained in these Orders and Instructions, and that you do not, upon any pretence, presume to act contrary thereto.

The King having been graciously pleased to approve of the Earl of Dunmore to be Governor of New York, the necessary Instructions are preparing for him, and His Lordship proposes setting out for his Government as early in the Spring as he can find a safe conveyance.

I am
Sir

Your Most Obedient Humble Servant

HILLSBOROUGH

Lieut: Governor Colden

From Lord Hillsborough

[Letter signed]

(N^o 36)

WHITEHALL, January 18, 1770

Duplicate

Sir,

I have received and laid before the King your Dispatch N^o 5,¹ inclosing your Speech to the General Assembly, at the opening of the Session on the 22^d of November, and the Addresses to you from both Houses.

The late Governor² in a Letter to me dated the 19th of July last, acquaints me that my circular Letter N^r 29,³ of which I now inclose to you a Copy although I

¹ Printed, from Colden's letter book, in *N. Y. H. S. Collections for 1877*, 193-94.

² Sir Henry Moore.

³ Dated May 13, 1769, printed in *N. Y. H. S. Collections for 1923*, 154-55.

presume you are in Possession of the Original, had been communicated to the Council and had given great Satisfaction, and I have also observed that the Purport of that Letter has been repeatedly printed in the Newspapers on the Continent of America. As the Contents of it cannot therefore be unknown to you, and are, I am certain, so clearly expressed as not to be misunderstood, I must desire you will enable me to inform the King upon what Authority you have taken upon you to declare, in your Speech to the General Assembly, that there is the greatest Probability that the late Duties (*without Distinction*), imposed by the Authority of Parliament upon America, would be taken off in the ensuing Session: I very sincerely wish you may have it in your power so to explain and justify this Proceeding, as to remove the Appearance of your having acted in a manner highly unbecoming your Situation.

After what I have said on this subject, it gives me much Concern to find Occasion to animadvert on any other Part of your Conduct, but it is not fit for me to pass unobserved your having omitted to take Notice in your Speech of the Steps taken by the late Governor and by yourself, in respect to the Paper Currency Bill passed in the former Session of Assembly; had this been done, the Assembly could not have had the Colour of a Pretence for so irregular a Proceeding, as that of framing a new Bill, pending His Majesty's Consideration of the former one; and if it shall appear, that you have suffered the Assembly to proceed upon this Business, without using your Endeavours to dissuade them from it, it will be such an Aggravation of your Imprudence and Want of Attention, as cannot fail of exposing you to His Majesty's just Displeasure. Upon what ground it is that you suppose this new Bill will receive the Council's Concurrence, I am at a Loss to guess; but I trust that they will not be influenced by any Consideration to a Conduct inconsistent with a due Respect to the Crown.

His Majesty hopes that the Account you give of the Temper and Disposition of the Majority of the new As-

sembly will in the end be justified by their Actions; but their having adopted and concurred in the Resolves of the Virginia Assembly of the 16th of May, is not a very favourable Omen that their Proceedings will have so desirable a Conclusion.

Inclosed I send you the King's gracious Speech to His Parliament at the opening of the Session on the 9th instant, together with the Addresses of both Houses, and His Majesty's gracious Answers thereto.

The King having thought fit to take the Great Seal out of the Hands of Lord Camden, it was yesterday delivered to M^r Charles Yorke, and it is His Majesty's Intention, that he should be immediately called up to the House of Lords. I am, Sir,

Your Most Obedient Humble Servant

HILLSBOROUGH

Lieutenant Governor Colden

From Lord Hillsborough

[Letter signed]

WHITEHALL 17th Feb^y 1770

(N^o 37)

Sir,

Your Dispatches ¹ numbered 6, 7 and 8, have been received and laid before the King.

At the same time that the King saw with satisfaction the commendable disposition of the Assembly to make Provision for the Troops, the giving Part of the Money for this purpose out of a Fund that was to arise from the establishment of a Paper Currency, the Bill for which was depending at the Privy Council Board, was a circumstance that could not escape His Majesty's observation, and which your Letter N^o 6 did not enable me to explain; for it was impossible for me to suppose that,

¹ Printed, from Colden's letter book, in *N. Y. H. S. Collections for 1877*, 194-202.

under the Restriction laid upon you by His Majesty's Instructions of July, 1766, and informed as you was that the Bill which passed the Council and Assembly in May 1769, was under His Majesty's Consideration, you could have taken upon you, without further directions, to have given your Assent to another Bill, for the same purpose without a Clause suspending it's Execution until His Majesty's Pleasure could be known; and I am yet at a Loss to guess at the Reasons which induced the Members of the Council to advise you to a step so contrary to your Duty & to your Instructions.

Your Conduct on this occasion has justly incurred His Majesty's Displeasure, which I am commanded to signify to you; and to observe to you that although the King considers the preserving the Colony in Tranquility as a very desirable and commendable object, yet His Majesty can never approve of any Governor seeking the attainment of it at the expence of His Instructions.

The merit however of your former Services, and what you say in respect to the time fixed by the Act for it's operation which you state as an excuse for your Conduct, prevail with His Majesty to forbear any further Marks of His Displeasure, trusting that you will not for the future suffer yourself to be withdrawn from your Duty by any motive whatever.

It is necessary I should acquaint you that the Bill transmitted by Sir Henry Moore had received the fullest Consideration at the Council Board before your Letter to me N^o 8, and that to the Lords of Trade inclosing the Act assented to by you were received, and that the Lords of the Council had as you will see by the inclosed Order advised His Majesty to reject it.

The Ground for this advice was, that those Clauses by which the Bills of Credit are made payable at the Treasury and Loan Office, were contrary to the Act of Parliament which restrains Paper Bills of Credit from being issued as a legal Tender in Payment of any Debts, Dues, or Demands whatsoever; and therefore this Objection does in it's nature shew in the strongest light, not only

the impropriety of your having assented to this Act, but the risque to which you personally stand exposed by the Terms of the Act of Parliament in consequence of having given such Assent.

Under the Circumstance of the Disallowance of the former Bill for the reason above mentioned no time was to be lost in laying before His Majesty the Act transmitted by you to the Lords of Trade and His Majesty having in consequence thereof been pleased to disallow the said Act, inclosed you will receive the Order in Council for that purpose, which you will cause to be promulged with all possible Dispatch; But such is the Paternal Attention of His Majesty to the wishes of His Subjects in New-York and His Royal Disposition to concur in this Object of theirs, that notwithstanding the steady Opinion of all His Matys Servants that it is against the true Interest of the Colony to have a Paper Currency attended with any degree of legal Tender yet I have reason to believe the Parliament will be moved to pass an Act to enable the Legislature of New York to carry into execution the Bill they appear to be so desirous of.

The Request of Lieutenant Cruikshanks¹ and others expressed in the Petition inclosed in your Letter N^o 7, appears to be founded in Justice and Equity, and I have His Majesty's Commands to refer the said Petition (together with a Copy of your Letter) to the Lords Commissioners for Trade and Plantations, and I shall not fail to recommend to their Lordships to take the whole of what regards the Settlement of the Country to the West of Connecticut River into their consideration so soon as other Matters of great importance, now before them, will admit of it.

In consequence of the Death of Mr Yorke² a few days after he received the Great Seal,³ His Majesty has thought fit to commit the Custody of it for the present to Commissioners; and the Duke of Grafton having been

¹ John Cruikshank.

² Charles Yorke (1722-1770).

³ As Lord Chancellor.

permitted by His Majesty to retire from the Treasury Board, Lord North is become in consequence thereof, First Commissioner at that Board.

I am,

Sir,

Your most obedient humble Servant

HILLSBOROUGH

Lieutenant Gov^r Colden

From Alexander Colden to John Leake and Associates

[Unsigned draft]

Survey^r Gen^{ls} Office
NEW YORK Ap^l 9. 1770

Sir

In order to prevent any Plea of delay in my office, which you and your associates may hereafter find necessary to make, for not proceeding in Sueing owt Letters Patent for the twenty seven thousand acres of Land (part of a larger tract purchased of the Indian Proprietors thereof in behalf of John Harper Senior, William Harper & others) which you and your Associates Petitioned for, and which said tract His Majestys Council advised the Lieut. Gov^r to Grant, and he thereupon Issued his Warrant directed to me to Survey and Lay owt I find (from your delay in proceeding to take owt the Grant) it is Necessary to Clear my Self of any Neglect of Duty in makeing out a return of said Lands in Due time, so inform you, and your Associates, that in obedience to the said Warrant, I have laid owt the said tract for you and your Associates, and on the twelfth day of March last past I made owt a return thereof to deliver to his Honor or the Gov^r or Commander in Chief, as directed in the said War^t, which return was, and is, ready to be deliver'd, as soon as my fees are paid for the same:

[Indorsed:] April 9 1770 Copy letter to M^r John Leake and his Associates who Petitioned the L^t Gov^r for

a Grant of 27,000 Acres of Land Part of a larger tract Purchased by John Harper Senior William Harper & others Deliverd at half after 5 o'clock P.M. The same day by Henry Boel to M^r Fred^k W^m Hecht

[Attached to the above letter are the following memoranda:]

Memmorandum, Deliver'd to M^r W^m Heith the Letter Directed to M^r John Lake and his Associates, from Alex^r Colden Esq^r this Day at half past five o Clock P:M:
Monday April 9th 1770 H. BOEL

John Leake, Daniel Stiles, Roger Richards, John Heath, Fred^k W^m Hecht, Josias Smith, Robert Ray, W^m Butler, Ja^s Yeoman, Ja^s Downe, Benj: Jones, J^{as} Riker, Geo: Bell, John Stevenson, Henry De Forest, W^m Nixon, Robert Ross, Tho^s Strafford, W^m Cockeroft, John Bogart, Tho^s Randall, Anthony Rutgers, Linus King, Robert Benson, W^m Heyer, Henry Law, Robert Harding

*From William Smith, Jr. to Cadwallader Colden*¹

[Contemporary copy, in David Colden's handwriting, which was sent to James Duane]

Copy

NEW YORK 17 Nov^r 1770

M^r Attorney General² on Behalf of the Crown filed a Bill³ with me as one of the Clerks in Chancery on the 15th Instant, praying Process of Subpoena against you as the Defendant; but on communicating the Matter to the Chancellor,⁴ I am commanded by his Lordship to signify that he prefers the Method of my notifying you by

¹ From the James Duane MSS. presented to The New York Historical Society in 1914 by Mrs. Cornelia Jones Chadwick and Mrs. Maria Duane Cox.

² John Tabor Kempe.

³ Printed in *N. Y. H. S. Collections for 1877*, 240-47.

⁴ The Governor, John Murray, Earl of Dunmore.

Letter of the Commencement of this Suit, and that it is expected that you will give Orders for entering your Appearance, in the other Clerk's Office in Eight Days from this date, his Lordship conceiving that you will chuse to render the issuing of compulsory Process unnecessary I have the honor to be Sir

Your most obedient humble Serv^t

W^m SMITH

Received Sunday November 18th

[Endorsed:] 17 Nov^r 1770

Copy of M^r Smith's Letter
notifying that the Attorney
General had filed a Bill
in his Office

*Colden's Observations on the Bill Brought Against Him
in Chancery, 1770*¹

[In David Colden's handwriting]

Attorney General	}	In Chancery
pro Rege		
ag ^t		
Cadwallader Colden Esq		

Observations on the Bill, made in Course
as the several Matters occur in the Bill

The Declaration of King William dyed with him. Has had no effect since, and is null and void now. Besides when the Declaration was made, the Establiment of this Government was very different from what it is at present. Our Legislature then raised a Fund, out of which the King appropriated such part as he pleased for

¹ From the James Duane MSS. presented to The New York Historical Society in 1914 by Mrs. Cornelia Jones Chadwick and Mrs. Maria Duane Cox.

These "Observations" were sent to Duane with Colden's letter of November 26, 1770, printed in *N. Y. H. S. Collections for 1877*, 248-50.

the Salary of the Governor and Lieut. Governor. The Assembly now appropriate and give the Salary. The Words, *for the future*, in the Declaration, render it probable that it was made on occasion of some rapacious Governor haveing demanded more than he had a Right to. The Establishment of this Government being so materially changed, it is absurd to draw any Conclusion from that Declaration.

It is not True that all, or any, of the Instructions given since, have directed according to the Form and Effect of King William's Declaration. The Declaration directs what shall be done both in case of the *Death* and *Absence* of the Gov^r in Chief. The Instruction directs only in case of the *Absence*. The Words *one half of what would otherwise become due unto you*, cannot be intended to what happens after his Death, for nothing becomes due unto him then. The Declaration reserves a Moiety to the King. No such reservation has been made in any of the Instructions since. The Usage in this Province has been directly opposite to the directions of that Declaration; so far is it from being True that all the Instructions since have directed in Form & Effect according to that Declaration.

True it is that on the Death of Sir Henry Moore the Lieut. Governor received his Instructions, and acted under Them. But it is not True that he was thereby only intitled to one half of the Salary Perquisites and Emoluments, till the arrival of another Gov^r in Chief. The Instruction gives no directions in this Case. Neither is it True that by the said Instructions, or any Thing that was or could be known to the L^t Gov^r, one half of the Salary Perquisites & Emoluments from the date of the Commission of the Gov^r in Chief untill his actual arrivel did of Right belong to the King. The Instructions contain no directions to the L^t Gov^r to receive one half for the King, or to account to the King or any other Person for what he shall receive. Nor is there anything contain'd in either the Commission or Instructions which does in any Shape constitute the Lt. Gov-

ernor the Kings Bailiff, Receiver or Trustee, all which is falsely suggested in the Bill

Altho it be true that the Commission which his Lordship has, bares date the 2nd day of January last, his Lordship was not appointed on that Day. *William* Earl of Dunmore was then appointed. *John* was appointed some future day, William being erased and John inserted, and the Commission Sealed anew. His Lordship told this in Company the day he arrived. The Fact is referr'd to his Honour

It is most untrue that the L^t Gov^r between the date of his Lordship's Commission and the day of his Arrival, did receive any proportion of the Salary Perquisites or Emoluments of Government for the use of the King. He had no directions so to do.

All that is charged in the Bill of Bonds, Notes and Securities taken for Money; of Land taken, and Lands Purchased, of Perquisites remitted &c^a &c^a is impertinent and vexatious; carrying a malicious insinuation as tho' the L^t Gov^r was a fraudulent Bankrupt Nor is it true that, supposeing the L^t Gov^r was accountable for the Salary &c^a he has received, he ought by Law to account for the Bonds, Bills, Lands &c^a which he has taken

True it is that the L^t Gov^r does claim all the Salary Perquisites and Emoluments as justly and bona fide due and of *Right* belonging to him, and that he is no wise accountable for the same. But it is not True that he did refuse to account, or that he hath been in due form of Law required to account. Nothing has been shewn to him but an Extract of a Letter from Lord Hillsborough—the Letter has not been produced to him. A Letter from a Secrettary of State cannot authorise any Person to receive the King's Revenue, or to give a Discharge for it when Received. The Court of Exchequer, & the Revenue Officers are the only Hands who can legally receive & discharge the Kings Revenues or Debts due to him.

It does not appear by the Bill that the King has given Lord Dunmore legal Authority to call the L^t Gov^r to

account and pay his Lordship the Money charged. Nor any Command or Authority to the Attorney General to institute this Suit in Chancery, or elsewhere. It is a vexatious Suit, & ought to be dismissed with Costs.

So far is it from being True that this Suit is most properly cognizable and releivable in a Court of Equity before his Lordship, that nothing can well be conceived more opposite to English Jurisprudence. A Court of Equity, without doing violence to its nature cannot have cognizance of such a Cause. Nothing which effects the Kings Revenue or Debts can be determined in the Chancery. But when it is considered that this Suit is brought solely for his Lordships advantage—that the Bill declares it is the royal Will & Pleasure that the Money Demanded should be accounted for and paid to his Lordship, nothing can be more contrary to all Law and Equity than that the Suit should be brought in Chancery where his Lordship is sole Judge. Besides every Shilling the L^t Gov^r has received may be discovered in any Court of Common Law with utmost certainty, by prooffe from the several public offices—so far is it from being True that it is utterly unknown what Sums & Profits he has received. The Matters charged in the Bill, of which prooffe cannot be had at the public offices, are entirely impertinent, and are introduced to distort this Suit, most unnaturally, into the Court of Chancery.

The L^t Governor does Claim the whole Salary perquisites and Emoluments of Government received by him, as his sole Right and Property, as is asserted in the Bill, and that he did receive them by virtue of a Title solely vested in him. His Right and Title is not tryable in a Court of Chancery. He does therefore object to the Jurisdiction of the Court. If the Court of Chancery can assume a power of Determining on Titles Right and Property in this Instance, it may in every other, which would be of most dangerous Consequence to the People, particularly where the Gov^r is Chancellor who may be no way acquainted with Law, and the remedy is at so great a Distance.

Besides the Proofs which the Bill affords that the Money is appropriated to his Lordship, it may be referred to his Honour whether he has not directed this Suit to be instituted, and whether it is not solely for his advantage. And if his Lordship can then in good Conscience suffer it to depend one Moment before him

Please to consider the 15th & 31st Stat. of Henry VI. Cookes Institutes Title Court of Chancery, and in Sir John Randolph's Letter, printed in Smith's History of New York M^r Duane will find some Things worth his Notice

*Colden's Notes about the Lieutenant-Governor's Salary,
in Connection with the Suit Brought Against Him
in Chancery, 1770*¹

[In David Colden's handwriting]

Lieutenant Governor Colden was informd, many years agoe, by one of our Governors, that a Clerk had been prevail'd upon, to make an alteration in the Instruction relating to the Salary and Perquisites of Government: which, tho' so little differing from the Original, being only an addition of the Word (*of*), that it might easily be overlook'd, yet did very materially alter the Regulation.

According to this Information, the King's Pleasure, as it originally stood express'd, was, that the Lieutenant Governor, President of the Council &c, exercising the Administration of Government, upon the Absence or Death of the Governor in Cheif, should have *one half of the Salary, and all Perquisites & Emoluments of Government*; which, by only putting in the little Word (*of*), was changed to *one half of the Salary, and of all Perquisites and Emoluments*. The L^t Governor remembers

¹ From the James Duane MSS. presented to The New York Historical Society in 1914 by Mrs. Cornelia Jones Chadwick and Mrs. Maria Duane Cox.

perfectly well, his receiving this Piece of Information from Governor Burnett. It cannot be supposed that M^r Burnet, under any uncertainty, would have related such a story. The Declaration of King William, now lately introduced, as the foundation of the Regulation since established by the King's Instructions, has brought this Anecdote afresh into the L^t Governor's Mind. It is a Paper which he did not know of till lately. Perhaps Gov^r Burnet was not so particular as to mention it: or the L^t Gov^r might forget such a Circumstance, tho' he well remembers the Story in general. He thought the alteration had been made in the Instruction; but it is more probable it was made in the Declaration, and continued into the Instruction.

It is hoped this interpolation may be discovered by an inspection of the original Entry at the Treasury Office. But in the mean Time, such Arguments may be drawn from the Declaration now offer'd in the Bill, as will hardly permit an unbiased Man, to wait for that Proof, to be convinced that the (of) is spurious where it stands—that it has rendered the Declaration Inequitable, Defective and Inconsistent; and that by expunging the illegitimate Particle, all these Deformities vanish.

1st The Declaration as it stands in the Bill directs that there shall be paid to the Lieut: Governor *one half of the Salary*. It will not be denied that when the Salary flowed immediately from the royal Bounty, the King might direct it to be paid, in that, or any other Proportion he thought fit.

And one half of all Perquisites and Emoluments of Government. The same disposition with regard to the Perquisites and Emoluments, is so far from being warrantable, that it is unjust. The disposal of offices is a royal Prerogative, but Perquisites and Emoluments are wages paid by Individuals, for services done. The King never had a Right to them, & consequently cannot dispose of them

2^{ndly} It declares *that the said half Salary shall not, on any account whatsoever, be diverted for the future,*

from the L^t Gov^r. Upon the supposition that the L^t Governor was likewise only to receive one half of the Perquisites and Emoluments, it will be difficult to conceive a reason why the half of them was not likewise mentioned and secured to the L^t Gov^r. If the L^t Gov^r is allowed to take only the half of them, that is a sufficient Proof, that they as well as the Salary, may be diverted from him and therefore such an omission with respect to the Perquisites & Emolument, would be a great Defect

3^{dly} The Declaration enjoins *that the Gov^r in Chief do not pretend to receive or take to himself any part of the said half Salary Perquisites & Emoluments.* Here the whole Perquisites and Emoluments are included: at least it must be granted that these words will apply equally as well to the whole, as to the half—and therefore are uncertain

4^{thly} The Declaration *reserves to the King the disposal of the other Moiety of the said Salary.* Here we have not a word of the other Moiety of all Perquisites and Emoluments. What is to be done with them? Are they designedly left for a Bone of Contention?

The Answer is at hand. Expunge the interpolated (of) and every inconsistency will vanish. The Kings Pleasure will then be thus express'd.

The Lieut. Gov^r shall have *one half of the Salary* which depends on the royal Will, *and all Perquisites and Emoluments*—all the Wages paid by Individuals for particular acts of office done for them.

The said half Salary shall not for the future be diverted from the L^t Gov^r That the Salary might be diverted, is sufficiently evident from the Declaration itself, which diverts one half of it and so might the other Moiety or any part of it like wise be diverted. The words *for the future* are a farther Proof—they shew it had been done, and might be done again. But the Perquisites are Sums of Money paid by Individuals for Services done for them. If the Money is not paid, the Service is not performed. Therefore Perquisites and Emoluments cannot be diverted from the Person who performs the Ser-

vice. The King claims no Right in them, and such a Restriction with regard to them, would be useless, tho' significant with regard to the Salary.

The Gov^r in Chief shall *not pretend to take to himself any part of the said half Salary Perquisites and Emoluments*. Altho' Perquisites and Emoluments cannot be diverted—being paid in Hand; yet we very well know that a Gov^r in Chief can pretend to call a L^t Gov^r to account for, and demand a part of them. To guard against which this injunction extends to the Perquisites & Emoluments as well as to the half Salary and it cannot be denied, that it agrees with the first Article & extends to the whole of them.

And lastly the King *reserves to himself the Disposal of the other Moiety of the Salary* which is all that he had a Right to. Perquisites & Emoluments he had no Right to, and does not pretend to any reservation of them

[Endorsed:]

Lieu ^t Gov ^r Colden ad ^s Att ^y Gen ^l pro Rege	}	Notes from Lieu ^t Gov ^r Colden
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*Colden's Memorandum for a Demurrer to the Suit
Brought against Him in Chancery, 1770*¹

[In David Colden's handwriting]

Memorandum from the Lieutenant Governor

Demurr. Because The Suit is brought before Lord Dunmore who is particularly interested—the Money Demanded being appropriated to him

¹ From the James Duane MSS. presented to The New York Historical Society in 1914 by Mrs. Cornelia Jones Chadwick and Mrs. Maria Duane Cox.

Cf. Colden's Demurrer, printed in *N. Y. H. S. Collections for 1877*, 256 ff.

The Earl is not a Party in this Bill, yet the money Demanded is given to him—the L^t Gov^r may therefore be subject to another Suit for the same Money

The whole Proofs necessary for discovering the Sum received by the L^t Gov^r may be had in the Records of several Offices, and from the Officers who receive the Governors Fees. They are the only proof the L^t Gov^r can produce in Answer to this Bill—the Case is therefore plainly tryable at common Law.

The Court of Chancery has not Cognizance of any Matter effecting the Kings Revenue

See Blackⁿ V. 3^d p 428

And Plea That an Extract of a Letter from the Secretary of State is not a sufficient Warrant to authorize the payment of any Money belonging to the King

The Lieut. Governor claims the sole Right to the Money Demanded—the legality of his Right is only Cognizable in a Court of Common Law

Qu. May it not be proper to demand of the Attorney General, by what authority he has filed this Bill

*Account of Alexander Colden's Fees and Services
as Surveyor-General*

NEW YORK

Jan^{ry} 15. 1772

In Obedience to His Excellency's ¹ order in Council of the thirty first of Last December; I humbly represent to the Honorable Board, that for my several Services in respect to the passing of Grants for Lands as Surveyor

¹ William Tryon.

General of this Province, I charge no other fee, then ten shillings New York Currency for every hundred Acres, Exclusive of the Expences attending the Surveying the same, and that for the said fee I perform the following Services viz

Endorsing the Warrant of Survey to my Deputy to Survey the Land pursuant to the said Warrant & giving him proper Instructions for that purpose

Examining my Deputies Survey

Makeing owt a return of the said Survey with a Plott or Description of the Tract Surveyd annexed thereto, to be filed in the Secretarys office

Registring the said return in my Office

Examining that the bounds of the Tract set owt by the Commissioners Certificate are the same as in my return & Signing the said Certificate

ALEX^r COLDEN
Survey^r Gen^l

[Endorsed:] Jan^{ry} 15. 1772

An Acct of my fees dd to M^r Banyar
to lay before the Council in obedience
to the Gov^{rs} Order

Exemplification of a Resolution of the New York Council, September 21, 1681, about Surveyors' Fees

Att a Councill Held in New-Yorke
the 21st day of September 1681

P^rsent The Command^{er} ¹ and Councill

Upon The Petition of M^r Ephraim Herman Surveyo^r
att Delloware desiering the former regulations for Surveyo^{rs} fees made in the tyme of Walter Wharton Sur-

¹ Anthony Brockholles.

veyo^r may bee Continued and Confirmed, Severall Refusing to pay him for Surveying according thereto,

Resolved and ordred That the Surveyo^r bee paid for his Surveying according to y^e said Regulations, w^{ch} is hereby Continued and Confirmed as desired till further order.

By ord^r in Councill

(Signed:)

JOHN WEST C^l Councⁿ

This is a True Coppy of y^e originall ord^r of the Councill, Exam: & Compared in New Castle this 12th day of decemb^r 1684 p^r mee

JOHN WHITE

Clarke of Newcastle

[Endorsed:] Order of Councill 21 Sept^r 1681:

B

*Lieutenant-Governor Colden's Reprieve for
John Snyder*¹

[Document signed]

[Colden's
seal] By the Honorable Cadwallader Colden Esquire his Majesty's Lieutenant Governor and Commander in Chief of the Province of New York and the Territories depending thereon in America.

To Henry Ten Eyck Junior Esquire High Sherif of the City and County of Albany, and to all Officers and others whom these Presents may Concern Greeting

¹ Presented to The New York Historical Society in 1906 by Mrs. Anson B. Moran.

Filed with Albany, N. Y., Manuscripts, 1774.

Cf. Calendar of Council Minutes, 1668-1783 (N. Y. State Library Bulletin no. 58, March 1902) pp. 502, 503; and O'Callaghan's *Calendar of Historical Manuscripts in Albany*, Part II, 829, 830.

Whereas at the last Court of Oyer and Terminer and General Goal Delivery held in and for the County of Albany, in the Province of New York, one John Snyder was indicted tried and convicted of a certain Burglary by him committed, for which he now lies under Sentence of Death, to be Executed on the fourth Day of November next.

I have thought fit to reprieve, and I do by and with the Advice of his Majesty's Council of this Province, Reprieve the said John Snyder until the fourth Day of February now next Ensuing: And you are hereby Com-manded to stay Execution until the said Execution until the said fourth Day of February, on which Day you are to see Execution done according to the Sentence so given as aforesaid: For which this shall be to you and every of you a sufficient Warrant.

Given under my Hand and Seal at Arms, at
Fort George in the City of New York, the
twenty seventh day of October
one thousand seven hundred and
seventy four, in the fifteenth Year of
the Reign of our Sovereign Lord George
the Third by the Grace of God of Great
Britain France and Ireland King Defender
of the Faith and so forth

CADWALLADER COLDEN

By his Honor's Command

SAM BAYARD JUN^r D. Secr^y

From Sir Basil Keith, Governor of Jamaica

JAMAICA March 12th 1775

Sir

A few days ago I receiv'd your favour of the 28th of January. I am at present at a considerable distance

from the Touns; But on my return which will be in five or six weeks hence; I will with pleasure give all my Countenance, and protection to M^r Douglas ¹ & his Company.

The information you give me of the happy disposition of the Assembly of New York gives me the truest Satisfaction; and I trust their prudent conduct will be productive of the best consequences to the rest of the Colonies did I [torn] New York I shou'd without ceremony accept of your kind offers: in return I have a right to expect you will employ me in any thing wherein I may be of Service to you in this Island. Being

with great Respect & Esteem

Sir

Your most obed^t Humble Servant

BASIL KEITH

To his honour

Cadwallader Colden Esq^r

¹David Douglass, manager of the American Company of Comedians.

SOME WRITINGS
OF
CADWALLADER COLDEN

*A Letter about Governors*¹

[Undated draft in Colden's handwriting]

A letter to a Friend in the Country

Since I came to Town, I made what enquiry I could into the Truth of a Report, industriously spread over the Country, that, The new elected Members of the Assembly had, at a private Meeting with the Governor, enter'd into an Agreement with him to grant him all the money he desir'd. Tho' this might be Warrantably & fairly don, if the Governor desir'd no more than what is justly due, yet, I am well assured, that this Report has not the least Foundation to support it, notwithstanding it has been asserted with all the Positiveness that the greatest Truth can be: On the contrary, many of the principal men of the Assembly & who by name were said to have been at that meeting, had not seen the Governor, so as to converse with him any where, but at the Publick Meetings betwixt the Governor & Assembly. What ends must the Spreaders of these Reports have in view, which cannot be supported, otherwise than by Falshood or sly crafty & false Insinuations? Do they think that the People of this Province have forgot, who frequented the Fort during a late Administration? who gave the thousand pounds? Who &c: &c: &c: Surely the late Elections may convince them, that all attempts for Popularity appear now with a very ill grace in them. Affectation of Popularity is now so very unbecoming in them, that it turns people's Stomachs. The Parasites & Flatterers & Tools of a C——y set up for Patriots! Can any man tell one valuable Act they've don for their Country,

¹ Printed anonymously, with the date August 1, 1737, in Zenger's *New-York Weekly Journal*, of August 8, 1737.

when every man can tell what they've done for themselves & their families, and for an undeserving Governor.

Men that boldly stand up in Defence of the Liberty & Privileges of their Country, in Opposition to the Violence & Oppression of men in Power, deservedly gain Honour & are esteem'd by their Fellow Citizens: some Creatures, it seems, observing this hope to gain Credit by crying out, *I am against the Governor* & think it Aspersion enough of their Neighbour, to say, *He is a Governor's man*. But surely they must be very Ignorant, that such words alone can prevail upon; as if it were allways commendable to oppose a Governor.

A good Governor is the Greatest Blessing can happen to a People; but like all other Blessings, more valued while we lament the Want of them, then while we enjoy them. What would the People of this Province, but a litle while since, have given for a free Election of Representatives in General Assembly; & I think it is own'd on all hands, that never was an Election more free from any Attempt of Influence from a Governor, than the last: yet some people indeavour to render this great Blessing ineffectual, by fomenting & insinuating groundless Jealousies, for which they cannot produce the least colour of Reason, other than their own envious & Malicious Imaginations

Without Government the care of Private men for their Families, or for their Country, can be to very litle Purpose: for no private mans strength is sufficient to guard himself & Children, against the united Violence and Rapine of those that are stronger than him. Therefore mankind by uniting together in Society under good Laws & well regulated Government secure their Liberty & Properties. By good Government, & the good effects that necessarily flow from it, civilised Nations are distinguished from Indians & Barbarians; or a civil Society from a Band of Thieves. But without Governors there can be no Government. Can there be then any Merit in opposing a Governor merely because he is a Governor? No Surely, Opposition to our lawfull Governors

can never be justified, but by apparent unavoidable necessity: When Governors or Magistrats turn the Powers given them, for the Protection of the People, to their Destruction, & when they become violent, obstinate, stupid or incorrigible in Wicked Measures.

By this time, I believe S^r, you'll begin to think, that the Members of Assembly would not have committed any great Crime tho they'd had frequent conversations with the Governor: but, tho I think, they'd have done no harm, it is no less a Lye, to say they had, when they had not; especially when it is said, to lessen their Credit [wi]th the People. When the Members shall think proper to converse with the Governor, I shall not be sorry to hear it proclaim'd that they really are Courtiers, or advisers & Consulters with the Governor: for the word Courtier gives no Scandal, under a wise & good Administration Queen Elizabeth's King William & Queen Anne's Courtiers were loved & esteem'd, while they were Courtiers, & their Memory is honourable to this day. If King Williams Courtiers had not been wise men & lovers of their Country, the Revolution & the settlement of the present Royal Family had never been accomplished. But there have been Courtiers that were hated & despised in the height of their Grandeur who's Memory stinks & will stink as long as any remember any thing of them.

If good Laws are to be made, for redressing of Grievances, for promoting the Trade & Manufactures of this Province, for securing our Liberty & Property, they can only be made with the mutual consent of all the Branches of the Legislator. The Governor, as well as the Assembly, must be convinced, that these laws are necessary, & usefull, & that they will be effectual for the purposes design'd. Private members may have Grievances, by the Maleversasion of officers in their several Counties, to be redress'd. Can any of these things be don without conversing with a Governor? Has not such Conversation allways been thought so necessary, that every New Assembly, at the presenting their Speaker, make it their

request, that the Members may have free Access to the Governor at all times.

The Governor has promised to do every thing in his power, to put this Province into a more flourishing Condition than ever it has been, & we all know, what extraordinary hopes our new Members have given us: But, if a Diffidence be kept up between them & the Governor, all these fine Promises & all these great hopes will come to nothing in the end; & they will become the jest of those, that make their account in Fomenting Jealousies & confirming a Diffidence

But the late Courtiers will tell you, th[a]t if the Governor & Assembly grow great together they'l make Bargains. We could have made a Bargain too they say, if we would have given Money enough, if we would have been lavish of our Constituents Purses. They may brag, but put the case to be as they say, they cannot brag of a great deal of Prudence. Was the saving a litle money, so litle as would not have amounted in Value to a pint of Rum & half a pint of Wine in a Year, to the Rum drinkers & Wine drinkers in this Province, was this, I say, of equal value to the putting this Province into a more flourishing state than ever it has been, & of equal Value to the Securing our Laws & Liberties. They may say what they please, but no man in this Province, that knows what they said & did for & what they gave to another Governor, will believe, that this in the least weigh'd with them. They'l not tell what Bargain they would have made, they thought it in their power to make so good a one for themselves, that they've missed it: but put it in their power to bargain again, & you shall know what Bargain they would make, when it shall not be in any ones Power to prevent it: And they hope by raising of Diffidence between the Governor & Assembly, t[o] h[a]ve it in their Power to [correct their] mistake & make a good Bargain for themselves hereafter

*Account of the Government of the New England
Colonies*

[Draft in Colden's handwriting, c. 1742?]

New England consists of four Governments viz 1 Massachusetts Bay but more commonly from its capital town called Boston Government & sometimes the Bay Government 2 Connecticut 3 Rhode Island & 4 New Hampshire

New England was settled in the Reign of Charles the first by the enthusiastic dissenters at that time The King granted them a charter with all the privileges they desired by which their Government was entirely republic The people annually choosing all their officers from the highest to the lowest no officer unless re elected continueing longer than one year except their military officers who held their offices for life By these only the Gov^t was secured against intestine tumults

It is thought that King Charles granted these Charters so much contrary to his own principles of Government & so much derogatory of the Royal Authority in hopes of purgeing thereby his Dominions in Brittain from those turbulent sp[irits] which began to distress his Governmen[t] & which spread a dislike to Kingly Government through his Dominions. There can be no doubt that these first settlers were heartily republicans otherwise they would not of insisted on such a form of Governm^t & it seems evident that nothing but a desire of getting rid of such warm enthusiastic spirits would have perswaded a person of King Charles's Temper to grant such privileges

The people of New England became not only different from those in old England in their form of Government & public Religion but in the manners of the People In New England a new body of Laws were framed different in many respects from those of old England In criminal Matters the Laws of the Jews were imitated rather than those of their Mother country

A strict observance of the Sabbath was enjoined & every breach of it so much as walking abroad was severely punished All sorts of Gaming & other diversions were either strictly forbid, or discouraged so that the temper of the whole country became gloomy precise & melancholy entirely inhospitable to strangers who differed in religious opinions from them or were of a gay disposition or indulged themselves in innocent diversions They affect a slow drawling manner of speaking & seldom give a direct answer to any question

The Melancholy enthusiasm of the country at last took a turn to suspect each other of Witchcraft & the delusion prevailed so far that if some wiser than [o]thers had not put a stop to the prosecutions by an immediat application to the crown the one half of the people would have put the other to death Since which time we hear no more of Witches in New England tho' formerly they were in every town & hardly a house free of the suspicion

The generality of the first Settlers were Independants but some Anabaptists had mixed with them A Persecution was very soon raised against the Anabaptists & others who differed from the Independents & they were forced to leave the Massachusets. They went & settled at a place now called Providence in Naraganset & at Rhode Island. The Quakers were likewise driven from the Massachusets Gov^t with violence for severall of them were severely whipt & some put to death Rhode Island therefore was originally settled by these refugees from Massachusets Bay & consists chiefly of Anabaptists of several denominations that is seventh day Baptists & first day Baptists that is of some who observe Saturday & others who observe Sunday Many Quakers likewise settled in Rhode Island & there is a general comprehension of all Religions at least of the Protestants in their Government & every denomination enjoys equal privileges In Boston Sunday is strictly observed all persons being either in the Churches or in their houses at Newport in Rhode Island about 70 miles distant youl find som[e] in the churches others at their

daily labour & others at their diversions without giving offence to their neighbours.

Connecticut Colony is similar to Boston in the Government Religion & Manners of the people But New Hampshire is immediatly under the Government of the Crown & is Governed by a Governor Council & house of Representatives as in the other Colonies which are governed by commission from the Crown They are generally dissenters Presbiterians & Independants The Presbiterians chiefly from Ireland. As New Hampshire was first settled from the Massachusets & consisted but of a small number of inhabitants it was till lately under the same Governor with the Massachusets Bay who had a particular commission for that purpose but with a distinct Council & Assembly New Hampshire is chiefly considered by its furnishing Masts for the Royal Navy

The first settlers of New England at first underwent great difficulties having litle assistance from their Mother country & became in a great measure independent of it. It is probable that without that enthusiastic zeal which animated the first planters they must have succumbed under the difficulties they met with in a wilderness destitute not only of all the comforts of life but even of necessities otherwise than by hard labour and a penurious manner of liveing By Voluntarily subjecting themselves to the strictest discipline in the performance of all religeous civil & military duties they established a numerous & flowrishing colony with litle or no assistance from their mother country It is surprising to see how well the magistrates keep up the dignity of their offices with what strictness & even sometimes with what Severity they put their laws in execution notwithstanding that their Authority expires annually & that they hold their offices at the good likeing of the people they Govern. This shews how much Authority depends on good discipline & is a proof that thereby the Authority of the civil Magistrate may be as certainly maintain'd as thereby the Authority of the Military officers is only secured Seldom are their officers changed while they

strictly support the Government & execute their laws & the offices for the most part continue in the same families from father to son

The Benefite of strict civil discipline will become more evident by placing the colonies governed by Commission immediatly from the crown in contrast with the New England colonies. In the first the Governors either through ignorance or negligence or to serve private purposes have neglected all discipline both civil & military in consequence of which the Officers tho' acting by the Authority of royal commissions are despised they want sufficient authority the laws are neglected every man in most cases does what is good in his own eyes & it is only from the disposition of the people that the government is not reduced to confusion & Anarchy. The common people are educated in Industry & by their industry obtain the necessaries of life so as to live comfortably in the rank of Farmers or tradesmen whereby they are free from many temptations to wickedness so that enormous crimes are seldom committed But unless civil discipline be restored things cannot remain long in this quiet state

After the restoration of the royal family King Charles the 2^d sent commissioners to America to inquire into the state of the English colonies & to make their report to the King. The New England colonies had been so long neglected by their Mother country & so long left to themselves that when these commissioners arived at Boston their commission was lookt on as an ineroachment on their Charter The Massachusets Bay not only refused to submit to the Kings commission but the persons of the commissioners were maltraited by the populace This together with some other contempts of the royal Authority were the cause of a quo warranto from the Chancery & their Charter was annulled by a Decree of that court. In consequence of this King James Governed the Massachusets Bay by commission to his Governor of that Colony in the same manner the other colonies immediatly under the crown were governed.

Connecticut & Rhode seeing the fate of Massachusetts bay agreed to surrender their Charters but before the Surrender was formally compleated the revolution happened in England By this accedent they preserved their Charters which continue in force to this day & their Government is administred by the Authority of their first Charters

After the revolution King William granted a new Charter to the Massachusetts Bay but in many things different from their first charter. The King reserved to the Crown the apointment of the Governor L^t Governor & Secretary But as the people were indulged by some of the inhabitants being apointed to these offices this made no great change in the exercise of the several parts of Government The Governor had no Sallary but what was from time to time allowed by the Assembly it was allwise very small & more or less as the Governors administration pleased the People so that in effect the executive powers still remained in the people as it did by their first Charter The small profits which the Governors of the Massachusetts bay made of their office perhaps was a principal reason that the administration of Government continued in this state till after the accession of the present royal family to the throne

The New England Colonies growing very considerable not only from the number of inhabitants but from the trade which they carried on to several parts of the world the Ministry of great Brittain thought these colonies deserved their more immediat attention And as it was apprehended that the royal Authority must remain weak while the Governor depended so much on the Assembly for his support & while the Governors Sallary was so small as not to be sufficient to keep up the dignity of the Kings Governor M^r [blank] was apointed Governor of the Massachusetts bay & sent over from England with instructions to have the Governors sallary settled by act of the legislature in such manner as not to be so absolutely dependent on the people and to have it augmented so far as to be sufficient to support the dignity

of the King's Governor. The people of Boston were so sensible of the tendency of these instructions diametrically opposite to the principles of the inhabitants that the Governor could obtain no salary & otherwise received so much opposition to his measur[es] & other vexatious treatment that he beg'd to be recalled. He at last grew so uneasy that he deserted his Government before he receiv'd leave to return. This happened some small time before the Accession of King George the 2^d to the throne.

The King at his accession thought it proper to reward his servants who had attended him while Prince of Wales. Coll Montgomerie who had been one of the gentlemen of the Princes Bed chamber desired the Government of New York. M^r Burnet Bishop Burnets eldest son was then Governor of New York & as the royal family was thought to be under some obligations to the Bishop it was not thought proper absolutely to dismiss M^r Burnet but to remove him from the Gov^t of New York to that of Boston. As M^r Burnets friends were very sensible of the injury don him by this change they used all their interest to prevent it & among others obtained an audience of the Queen. When she very courteously told them that she was very sensible of M^r Burnets Merit but as the people of Boston were a very troublesome people & difficult to Govern the King thought that M^r Burnet by his Superior Judgement & experience in the affairs of the Colonies was the fittest person to reduce that people to order & good Government. That tho' the Government of Boston may not be so profitable as New York yet the King would take care that M^r Burnet do not suffer by it. M^r Burnet was received with all the publick marks of esteem & respect that the people could show. He received instructions to insist of having the Governors Sallary fixed for some indetermined time & to be at least one thousand pound Sterline a year. Before M^r Burnet left New York was sensible of the difficulties & opposition he would meet with by inforceing this instruction & therefor was resolved to make the dispute on this head as litle personal

with respect to himself as possible. But after he came to his Government [blank]

*Colden's Observations on the Balance of Power in Government*¹

It is the great Happiness of the People of the Province of New York that the Government is form'd as near as may be upon the same Plan with that of our Mother Country. Our Constitution of Governm^t is nearly the same with that which the People of England value so much that they have at all times cheerfully hazarded their lives & fortunes in the support of it & to reduce it to its primitive form when ever it has by any Artifice or by the Misfortunes of the Times been alter'd And therefor it seems evident to me that it is most prudent in us to keep as near as possible to that plan which our Mother Country has for so many ages experienced to be best & which has been preserv'd at such vast expence of Blood & Treasure

This Constitution consists in a proper Ballance between the Monarchical Aristocraticall & Democratical forms of Government of which our Constitution is compounded & when ever the Ballance is alter'd by an overbearing power in any of these three parts of our Constitution the Constitution it self is so far alter'd & such Alteration has been allwise accompanied with many Disturbances & often with Civil Wars & Revolutions of the State

Immediatly after the Conquest by W^m the 1st The Monarchy had too great a Weight in the Scale & the Democracy very litle. The Commons then seem to have had litle or no Authority & consequently could not be of any use in reducing the Constitution to its proper Ballance The Barons then were the only Check upon

¹A draft in Colden's handwriting. Written 1744-45? There is also a fair copy, in another, contemporary, handwriting.

the Regal Authority & the Reducing the Regal Authority to its proper bounds was the Occasion of the Civil War with the Barons In which they had so much success that they brought the overweight on their side

The Ballance being again destroyed by the overweight in the Aristocratical part of our Constitution Many Mischiefs & Civil Wars &c ensued from the overpower & ambition of the Barons However they never were able entirely to destroy the Constitution

To lessen their Power the Kings endeavour'd from time to time to increase the Power of the Commons in Opposition to the Barons till at last Henry the 7th an Artfull Prince prevail'd so far with the assistance of the Commons in crushing the Power of the Barons that the state has never been since his time in any Danger from the over power of the Aristocraticall part of our Govern^t

But as the Design of Henry the 7th was not to bring the Constitution to its proper Ballance by establishing & reducing each of the Constituent parts to its proper degree & share of Power but to strenthen & augment the Power of the Crown & to weaken the Power of the Aristocracy or Barons The Power of the Crown became so great under Henry the 8th that if the Succession had not fallen into the hands first of a Minor & afterwards into two females & lastly into the hands of a weak timid prince it is probable our Constitution would have been at an end & an absolute Monarchy had succeeded

The Barons under Charles the 1st found themselves in no condition to withstand the power of the Crown & therefor they in order to reduce the Constitution to its proper Ballance threw all the weight into the side of the Commons in opposition to the Crown & this was don so inconsiderately that the Ballance turn'd so far on the side of the Commons that the whole Constitution was thereby overturn'd & thereby first Anarchy & afterwards Tyranny & absolute Monarchy Introduced

From what appears from our own History & I believe from the History of all Nations a Mixed Govern^t runs

more risk from too Great a Power in the Monarchical part or Democratical than from the Aristocratical & indeed more danger from an over power in the Democratical than from that of the Monarchical because People are allwise Jealous of the Monarchy but fond of every thing that encreases the Democracy. This has been so well observ'd by all ambitious cunning men that by means of increasing the Democratically powers they have allwise at last been able to establish the Tyranny at which they aim'd The Instances are so many in History that it is needless to mention any

In the Constitution of the Gov^t of New York the Gov^r The Council & Gen^l Assembly have powers in Imitation of the King Lords & Commons so far as the very great odds in Circumstances will admit I have no thoughts of making observation from the History of this Country to show what have been the Consequences of an Over bearing power in any of the Parts of our Constitution. Our History is not so well established as to serve as a Basis for such an enquiry It can go so little away beyond our present times & so many will be found Interested in the Relation of Facts, that it will not be easy to agree on the Truth & few will be Indifferent enough as to draw consequences with a view only to discover Truth. For which reason I shall only make some General Observations & put some hypothetical Queries without supposing them to have any other Foundation than in the Imagination of the Inquirer & leave the application to the Judgement or Humour of the Reader

It is not in the Power of a Governor without Force without money (which he can only obtain of an Assembly) without Friends or any Natural Interest in a Country to alter the Constitution of this Govern^t or exert Arbitrary Powers without the Concurrence of the Council & Assembly or without the Concurrence of an Assembly at least The Council in this Province can never be an Over Match for any one of the other two parts of our Constitution much less to be able to withstand both together. For it never can be in the Power

of the Council to assume Powers inconsistent with the Constitution or Misapply their Legal Powers in Opposition to a Governor while he has the Power of Suspending & the Council must in every Act of Power make use of his Authority to put it in Execution. And without an Assembly they can have no money to support any Design

The Council can form no Design to lessen a Governor's legal Authority with view to encrease their own Power for without his Concurrence they can exert no Power besides that of their Negative in passing of Laws

It cannot seem probable that the Council consisting of Men of Estates & Families in this Country will ever join with a Governor to lessen the Liberties & Privileges of the People of this Province when it is consider'd that any Power any one of the Council can hope to obtain thereby is so far from being hereditary & to descend to his Posterity that he can only enjoy it himself at the will & pleasure of Another upon such Precarious terms that let him have what confidence he pleases in a present Governor he can never think himself secure in that of an unknown successor. I say it can never be supposed that the whole Council or a Majority of them can be so abandon'd to all sense & honesty as to concur with a Governor in any Measures which tend to the Destruction of the Liberty or Wealth or Prosperity of the Country in consideration of any particular advantages it may be in the Power of a Gov^r of New York to give them

I think it can with no appearance of any probability be supposed that An Assembly will ever enter into any Measures with a Governor to increase his Power to the Prejudice of the People But it may be askt

1 Whether it can be probable that an Assembly would be willing to encrease their own power to the Prejudice of our Constitution

2 Whether they would be willing (in the direct breach of our Constitution) to have the Nomination of all officers

3 Whether the Naming all the officers in the Support Bill & annexing Sallaries to their names contrary to the

usage of Parliament & the Usage in this Province till very lately be not with design to introduce such claim & to make every officer dependent on their humour solely

4 Whether their obtaining such favour would not be a weakening of our Government with respect to the other parts of our Constitution that the others cannot exert their Authority or do their Duty or put the Laws in Execution in opposition to the Humour of an Assembly or of the People

5 Whether Assemblymen be generally so wise prudent & Virtuous that they never mistake the Interest of the Country can never be misled either through Humour Ignorance or want of Probity to the prejudice of the Country & to the Indangering of its safety & that in cases where litle or no time may be allow'd to correct the Mistake by better information & by removing the prevailing humour

6 Whether this would not weaken the hands of the Administration so far that the officers might neglect or refuse to do their Duty in hopes of impunity by the favour of Powerfull or Popular men in an Assembly & that in cases where the Safety or Defence of the Province may be immediatly concern'd

7 Whether the hands of the Government or administration must not be weaken'd to the greatest degree by alienating the affections of the People from them & lessening that Esteem without which it is impossible that any regard can be had to their orders When the Public Acts of the Government insinuate that the Governor & Council are not to be trusted with the smallest sum by a general application but that every Article of Expence or Charge must have its particular sum allotted to it & that in cases where it is scarcely possible that a true Estimate of the charge can be made before hand or what money sudden Emergencies may require

8 Whether the Open refusing to put the Southeast Bastion of the Fort in sufficient repair where the Kings Garrison is placed carry with it an insinuation that the Forts cannot be safely trusted in any hands but in theirs

9 Whether does not their directing in every article as to the Fortifications their Nominating the Chief Gunner agreeing with him for his Reward & for the Reward of the under Gunners show that they are desirous to have the Command of all the Forts & be not an actual taking of the Command of the Fortifications into their hands

10 Whether the known Characters of the Gov^r & the Members of the Council be such as to deserve such Mistrust. That the Character of Assembly men on the Contrary in respect to their knowlege & Integrity is so well established that they ought to have no check to their Resolutions nor want no assistance in their Deliberations And Particularly that they generally understand the Art of Fortification so well that they are the most proper persons to direct the whole & every minute Article in the Fortifying the City & every part of the Province

11 Whether the Assembly men be generally so clear sighted & of such penetration that it cannot be in the Power of Disaffected persons Private Spies or Ennemies to put them upon such measures as must lead into Confusion & prevent the necessary means for the Defence & safety of the Province

12 Whether the Publick money be most likely to be carefully & frugally managed when the publick money is put into the hands of Assembly mens Relations & Friends or into the hands of such as have no affinity or Relation with or to Assembly & which of the two are assembly men most likely to call to a strict account

13 Whether are they most likely to call to Acc^t when the Managers of the Publick Money are appointed by the Gov^r & Council or when they are appointed by themselves

14 Are there any many or no Instances where the Distribution of the publick money has been put into the hands of the Relations of Assembly men & no account ever given in where the Assembly have not only neglected but refused to call them to an account

15 Would it not be very usefull to have an account

stated of all the Neglects of the Publick Funds & misapplications of the Publick Money occasion'd by the Gov^{rs} & Members of the Council & also an Account of all the like Neglects & Misapplication by Assembly men That the Country may see the great odds

16 And would it not be very much for the Honour of Assembly men to order their Treasurer to state such an Account for the thirty years last past that is since the time they have had a Treasurer of their own nomination who is certainly enabled to make out such acc^t since all publick moneys have passed through his hands

17 Whether the Usage now fallen into of giving Assembly men the Nomination of all officers civil & Military in their respective Counties be not destructive of Good Gov^t & of his Majesties Authority in this Province

18 Whether they have not made use of this indulgence in order to influence Judgements in the Courts of Justice where they have had lawsuits depending with their Neighbours by getting Justices & Sheriffs appointed to serve that particular turn

19 Will not this in the end be destructive of all Government for men only submit to Govern^t in order to be protected in their Lives Liberties & Rights Must it not bring the Meanest & Worst of men into the Administration & thereby bring the Administration into Contempt Produce Confusion Anarchy & the greatest Mischiefs

20 Whether Our Mother Country may not think it necessary to abridge us of our Privileges & put us under a more Despotick Govern^t if the Conduct of Assembly men give them any Jealousy of an Inclination in the People here to free themselves of that Dependence on their Mother Country which it is thought proper they should have or if that Conduct give a Jealousy that it is abused to the prejudice of good Government & an equal Distribution of Justice

[Endorsed:] Publick affairs

1744. 45

The Power of Setting Out Lands

[Unaddressed, undated, and unsigned draft in Colden's handwriting]

In obedience to your Excellency's Commands I lay before you the principle Arguments of a Dispute which has lately aris'n about the setting out of Lands to be granted. His Majesty by his Instructions has Directed that your Excell^y The Collector Secretary & Surveyor General shall set out all lands hereafter to be granted & that in the setting out the same regard shall be had to the Profitable & Unprofitable Acres soe that every grantee may have a proportionable share of each and that the lenth of noe Tract extend along the Banks of any River

The Dispute is whether Your Excell^y together with the Gentⁿ nam'd in the Instruction have the sole power of setting out lands Or whether Your Excell^y with the Council be the judges & your Excell^y when join'd with these Gentⁿ be oblidged to doe what ever is directed by the Council in setting out of Lands & that you & they ought to sign a certificate of your haveing done it according to the Kings Instructions (if the Council say soe) without any further Examination

The Arguments which I have heard for the Affirmative in the last Question are That your Excell^y & Council are the Supream Court of this Province & therefor on noe account to be disobey'd That the Instructions are lodged with your Excell^y not any of them Directed to the Gentlemen mention'd in the Instruction for setting out of Lands & therefor they are not design'd for Judges of what they are to doe seeing the King has not put it in their power to know any such Instruction & That this Instruction gives too great a power to the Surveyor General who by it is allways to be one of three who set out lands

We who believe the first Proposition in the Affirmative Think that his Majesties Instructions are religiously to be observ'd & are humbly of Opinion that your Ex-

cellency's Patent enforces the observance of them The Nature of the Instruction requires its being communicated to the Gentⁿ mention'd in it as has been done In pursuance of which ever since the Instruction was giv'n these Gentⁿ have set out lands by a Certificate under their hands wherein they certifie that the lands are set out according to the Royal Instructions We know of noe Power giv'n to any other persons either by the Patent or Instructions to set out land

We think that the arguments of the other side are sufficiently answer'd by the following considerations

That Your Excell^y (& Council) in the Granting of Lands doe not Act as a Court but as attorneys to his Majesty for granting or letting out his lands and that the King by his Instructions has made the Gentⁿ therein mention'd soe far sharers in the Trust as with your Excell^y to have the sole power of setting out lands to be granted. Some think it rediculus to suppose Your Excell^y in setting out land not to be a Judge but subject to yourself in Council in the one case a Governour in the other a Servant tho' in both cases you have a Negative upon all that are join'd with you. We cannot without uneasiness reflect upon that part of the Argument where it is said that the Gentⁿ appointed to set out lands are not judges of their own Acts but look on such an Assertion as a Shock to Humane Nature & to that Liberty we enjoy by our happy Constitution which is the Glory of the English Nation

When several are join'd in one Commission every one of them cannot keep the same it is commonly lodged with him who is first nam'd or has the greatest trust repos'd in him & We presume that the Gentⁿ of the Council will not think that the power of the Gentⁿ entrusted to set out lands is any ways invalid because of its not being giv'n by a particular commission for tho' the Authority of the Council be very great the Councillors are not appointed by Commission but by the Kin[gs] letter directed to the Governour

To the last Argument, that the Instructions give too

much Authority to the Surveyor General we say that all his Majesties good subjects are soe sensible of the Kings great Wisdome & the Prudence of his Ministers that very few if any will be willing to tax them with Indiscretion and that it is too selfish to be angry at his Majestys entrusting any of his Loyal subjects rather than ourselves. However we think it noe difficult matter to discover the reasone of his Majesties giveing this Instruction for the reasone is included in the body of it viz That each grantee may have a Proportionable share of the good & bad Acres. If the Grantee were to have the lands at his own setting out its very plain that the King would be depriv'd of the Profit of a great part of his lands. The Public affairs cannot allow your Excell^y or the Gentⁿ of the Council to view the lands therefor the King has placed this trust chiefly in the Surveyor wh[o] by his office is suppos'd to have the best knowledge of the lands & cannot therefor plead Ignorance if he fail in his Duty & may be suppos'd least willing to run any risque being under your Excellencys Correction at Pleasure by depriving him of an employment of Value & Perhaps On this last consideration the King has entrusted the setting out of Lands to his own Officers only

We conclude that the Gentⁿ of the Council (considering their wisdome & Integrity) will never accept far less desire a trust which a man cannot be capable of while he remains Ignorant of the Art of Surveying and of the Quality of the Land he setts out & that the Surveyor cannot Voluntarily give up a Trust repos'd in him without Breach of his Fidelity

Reply to Arguments about Courts of Equity

[Undated draft in Colden's handwriting]

As to the Argument that the People of England wherever they are have by their Constitution & Birth-

right a Right to a Court of Equity allow it But where is this there Birthright placed or can by our Constitution alone exist without any positive law determining it but in the Representative of the whole Community or in the Legislature And this Argument proves no more than this That by our Constitution the Legislature can relieve in Equity against the plain letter of the Law & of this I believe no man Doubts So that the people of this Province never were nor can be without a Court of Equity under our present Constitution

The other Argument that as the people of this Country brought all the laws of England with them they likewise brought the Courts by which alone those laws can be executed supposing this to be true what follows I think that the Jurisdiction of the Courts in England extend to this place & that the Govern^r only opens those courts in this Country whos Authority existed before If I understand this Argument right it Supposes that the Supream Court of New York is the same Court with the Court of Kings Bench in England & Common Pleas & Exchequer in England & that the Judges of the Supreme Court here are the Judges of the Kings Bench & of the Common Pleas & of the Exchequer in England because according to this Argument whatever reason or Authority extends the Laws to this Country likewise extends the Courts But as it seems to me impossible that all the Laws extend so we shall run into an innumerable absurdities if we suppose the Courts to extend Alas miserable must the Condition of the people of this Country be if the Authority of our Courts depend upon the subtile argumentative Opinion of a Judge without any positive plain Law to determine it May not this opinion be trusted & turn'd into a thousand different Shapes. May not the same Judge change his Opinion & is it not very probable that succe[ed]ing Judges will be of a Different for in Matters purely Speculative as this Opinion is without any positive law to determine it seldom two men agree How weak is the foundation of our Liberties & Properties if the Authority of the Courts by which

we are to defend them depend wholly upon an Argumentative Opinion of a Judge

This subtle Distinction of Opening the Courts never enter'd into any mans thought till very lately Every man thought that they were Erected The King understands no such Distinction as is plain from the Commission The Governour is by the Commission impower'd by & with the consent of his Majesties Council to erect Courts but I do not remember of any power he has to op[e]n Courts If the King had understood or intended that [t]he Courts of England should extend to this Country than [cer]tainly the Governours had not been impower'd & directed to erect Courts but in the modern phrase to open the Courts

For Gods sake let us lay aside these Arguments that only become children in a Logic School Let us act like men like men conscious of the great trust repos'd in them That is of maintaining the Kings authority in his Courts & of Securing the Liberties & Properties of his Subjects by a due & effectual execution of the Laws which can never be don if the Courts be not placed upon so solid & certain a foundation that the people can have no just reason to doubt of their Security

Then the Question must be reduced to this Whether all the Courts of Equity as well as Law are & ought to be erected by the Governour & Councils Authority alone or by the Concurrent Authority of the Assembly for as to what the King can do by his Prerogative comes not into the present debate The King has not delegated his whole prerogative to the Gov^r for if so the Governour would really be King & therefore we have no Authority to make use of the Kings Prerogative in this Debate but are confined entirely to the Limited powers which the King has given to his Governour by his Commission & Instructions I sup- [torn] receiv'd Instructions because they are mention'd in the Commission & may contain a further Limitation of his Powers Before we proceed any further therefore I desire the Gov^{rs} Commission to be read & that his Excell^y would please to

communicate such Instructions as may relate to the matters under debate if his Excell^y have any such Instructions

Memoranda about Canada

[Undated notes in Colden's handwriting]

The distance between Quebec & Montreal 60 leagues the tide goes only half way viz to Trois Riviere it rises 18 or 20 feet at Quebec & runs so swift that a six oar boat cannot stem it Between Trois Riviere & Monreal no tide & the Current so strong that Vessels of Burden's never move upwards but with a fair wind & when it blows strong So that 3 or 4 weeks is a midling passage between y^e Trois Rivières & Monreal sometimes six weeks The Channel of y^e River where y^e River is broad is so narrow & other places so full of Rocks & y^e stream so strong that tho the wind be fair they never adventure to sail in the night The shipping in their passage from y^e Bay of S^t Lawrence up to Quebeck are obliged likewise to come to an Anchor every night

They have no kind of Winter grain

They have at least 3 months winter more then at Albany which makes very difficult to raise Cattle as well as other provisions. If it were not for the fur trade they could not subsist.

The shipping only make one Voyage in the year about 12 or 13 sail in a year great & small 3 weeks passage commonly between Monreal & Cataracui they are obliged to drag their Canoes a great part of the way

Strouds 1717 strouds worth 75 lb of Bever now worth 220 tho y^e price of Bever be risen to 5/ a lb in 1717 it was worth 3/6

They give 6 or 700 livres for a Licence for a Canoe to go into the Lakes to trade for a year which is the time they take in their Voyage from Monreal till they return

All the furs that are shipt are shipt entirely to the Comp^y

Quebec does not contain half the number of Houses that New York

Monreal contains about 300 houses great & small

Quebec is fortified all round with stone Bastions But the Curtain betwixt the Bastion are not built but lyes open about 150 Guns upon y^e platfforms no Gun upon y^e Bastions

Monreal is not fortified only 5 or 6 great Guns not mounted they began a stone wall but it is left off

The Country generally Barren about Quebec but good land upon y^e Island of Monreal which is 13 leagues long Some good land about trois Rivieres

They pass from Albany to [blank]

about 28 leagues from Monreal to Sorrel at y^e mout of River from lake Champlain

Monreal upon y^e s w end of y^e Island La prerie is over against it on y^e South bank y^e River 2 leagues wide there at La prerie Coll Schuyler fought

from La prerie to Chamblie 3 or 4 leagues bad road through low ground & swamps but those that Carry Indian goods stop about 3 leagues to the Southward of Chamblie & then carry a Cross to La prerie

The Mohawk Indians are settled about three leagues above Monreal upon Cataracui River

The french call these Indians the praying Indians they live chiefly by carrying & y^t if y^e trade were stopt they could not live

“THE SECOND PART
OF THE INTEREST OF THE COUNTRY IN
LAYING DUTIES
ADDRESSED MORE PARTICULARLY TO THE
CITY”

By CADWALLADER COLDEN

[1726]

*The Second Part of The Interest of the Country in
Laying Duties*¹

[Draft in Colden's handwriting]

The Second Part of
The Interest of the Country
in Laying Dutys
Addressed more particularly to the City

It is one of the best signs of Liberty when any of the subjects may freely write & speak their Thoughts concerning affairs in which the good of the Society is concern'd & therefor reviling or using any man ill on account of this freedome discovers Pride & haughtiness of Mind inconsistent with this Liberty that all true English men value as their greatest Priviledge The publick likewise receives Benefite from peoples discovering their different Sentiments for by that means our Superiours may more easily foresee the inconveniencies which may

¹ The first part was printed anonymously by John Peter Zenger, in New York City [1726], in a 35-page pamphlet entitled: *The Interest of the Country In Laying Duties: or A Discourse, shewing how Duties on some Sorts of Merchandize may make the Province of New-York Richer than it would be without them.*

To this an anonymous writer addressed a reply: *The Interest of City and Country To Lay No Duties: or A short Discourse shewing that Duties on Trade, tend to the Impoverishing City and Country. Also, How the Government may be easier and better Supported than by Duties*, a 23-page pamphlet printed in 1726 by John Peter Zenger.

Colden drafted a reply to this pamphlet, calling it "The Second Part of The Interest of the Country in Laying Duties," but it was not, so far as has been ascertained, printed by Zenger, and is here published, apparently, for the first time, from the manuscript in Colden's handwriting.

The American Antiquarian Society, at Worcester, has copies of the two pamphlets above-cited, and also of a third which "reconciles" them: *The Two Interests Reconciled: occasioned By two late Pamphlets, called The Interest of the Country and The Interest of City and Country*, also printed by Zenger in 1726. The New York Historical Society has photostatic copies of these three pamphlets.

attend any Project or Design & consequently may prevent them

I shall endeavour to tell my thoughts in such a manner as I may give them up without Reluctancy if by any means I shall find that I am mistaken. A man certainly gains much more honour by submitting to Truth with a Confession of his mistake than by Defending an Error with Vanity. For my part I have much more pleasure in telling wherein I agree with a late Pamphlet which seems to be wrote in Opposition to my sentiments than in Contradicting where I think the Author is mistaken

I agree that the Duty of 5 [⁄] Cent or 7½ Per Cent on British goods imported from the Neighbouring plantations is prejudicial to the Province. Neither am I so much against land Taxes as not to see the Prejudice which the Country receives from such large Tracts of land as are possessed by some private men. This has occasion'd a loss of great numbers of our most usefull people & the carrying great quantitys of our Money into the neighbouring Colony which much more deserves the Consideration of our Legislature than the ship which carried the salt last year to Amboy. A Stranger could not believe that some men in this Province own above two hundred thousand Acres of Land each which neither they nor their Great Grand Children can hope to Improve when others are forced to send their Children into another Province to buy & Cultivate land at a Dear rate. Or that land in some parts of this Province is sold from ten pounds to twenty pounds the Acre when Great quantitys in the same Province as good & as conveniently situated lyes intirely desolate & useless both to the King & his people. Such Extravagant grants have come under the Notice of the Parliament of England as well as the Legislature of this Province in former times & the Parliaments justice in these cases has been exerted to the great pleasure & Content of the People but as enlarging upon this may be suspected to be more with design to hurt some particular persons than to advance the

good of the Country I shall not insist any more on it but leave it wholly to the Prudence of our Assembly under who's consideration some time or other These Grants will certainly fall

Before I go further I must guard against a mistake which some have fall'n into as if I set the Interest of the Country in Opposition to that of the City It may be that some expressions may have giv'n some ground to this while I oppos'd a Scheme which to me seem'd to be contriv'd with design to Burden the Country with the whole or nearly the whole support of Government by a Tax upon the Country or Lands But such Distinction is far from my thoughts The word Country often is of a more general signification & comprehends the City as well as the Plantations & Villages I think it will plainly appear that I had the Interest of the City in View as well as that of the Country when I gave my Opinion against so many of the Dutys Have I not declar'd that all merchandize of what kind so ever ought to be exempted from Duty if it be not consum'd in the Province but exported again & this certainly can be with no other view but to encourage Trade which should by all means be promoted The Farmer certainly reaps The Benefites of Trade as well as the Merchant I only declare against the Abuses as There is nothing so good but what in some cases proves hurtfull I desire that Trade may be as Beneficial as possible to my Country & as little hurtfull by incumbring such parts of it only as are hurtfull

The proposal of supporting Government by a general Tax on Mens estates in both City & Country seems at first sight so very just & equal that one may be ready to think it strange that any other Method has been thought of But on the Contrary if we consider that hardly any Nation has put this Method in Practise we have just reason to suspect that it must be accompanied with Great Inconveniencies all which it is probable not any one man can foresee. Such a Tax at this time is imposed by the King of France on his subjects which

appears so grievous to that People that the Absoluteness of his Power and Authority are not sufficient to restrain that people from making loud Clamours against it in which both Clergy & Laity join as appears from the many Remonstrances in our News papers And these Clamours can not arise from the heaviness of the Tax for that people have been long used to much heavier than that of the fiftieth part of their yearly incomes but from the Vexations & other Inconveniencies which accompany this Method of Taxing the People which likewise appears from their Printed Remonstrances And I believe that the Inhabitants of this Country will allways have a Jealousie of any thing that is copied after France as they will be pleas'd to imitate the Methods used in great Britain

I shall mention some Inconveniencies which occur to me & seem to be unavoidable in this Method of Taxing The Chief thing that Recommends this Method is that it appears to be perfectly equal every man being to pay in proportion to his Ability or Estate & yet I think that it will really be found to be extremely unequal & disproportioned to peoples Ability For if the Inhabitants are to be taxed according to their Visible Estates some will pay ten times more in proportion to their real Estates than others for Example It is very common for an honest Country man to buy land upon Bond & to Stock it with money borrow'd upon Interest all which he hopes & often does pay by his Industry & Labour Now this Country man in such a Tax must pay for every Acre of his land for every Horse Cow Sheep or Hog as much as another who has the same quantity of Land & stock free of all Incumbrance or Debt which really is very far from being equal & proportion'd to their Several Estates For the first Mans Estate is truly Nothing but his Industry & the other Besides his Industry is really able to pay in proportion to his Visible Estate But ev'n the great odds of these two cases do not sufficiently show the inequality & unjustness of this Method of Taxing for it may happen that

a mans reall estate may be ten times the Value of what is visible to the World as When a man has money at Interest or has some secret Trade or Art The Difficulties in this Method of Taxing will not be less when the Merchants Estates or the Shopkeepers or Tradesmen's are to be valued They certainly will not pretend to be free when the Country man is to be taxed to the full Must then every piece of Linnen or cloath or Cask of Liquor in the Merchants store & the shopkeepers shop be valued & the tradesmans tools & every piece of Work that goes through his hands This would be both impracticable & in many cases unjust It would be so far from easing the Merchants that I am affray'd they would soon complain more than they now do of the Dutys & I believe with more reason

The only Answer that I know to these Objections is that either every man shall give in the Value of his Estate upon Oath or that it shall be left to his Neighbours to Value his Estate for him

As to the first of every man's Valueing his own Estate There are many cases in which a man Cannot viz when he is engaged in a Multiplicity of Business when he has many debts many adventures & many risques Perhaps few men in this Country can tell the Value of their Estates ev'n in lands where there are no certain rents far less can the Merchants or the shopkeepers or Tradesmen who depend upon accidental Markets or Custom Besides it gives too much Occasion to Perjury many people in straits are affray'd to let the world know their Misfortunes & some few others are desirous to hide their Wealth In short I believe that the forcing people upon Oath to Value their Estates will be thought a greater peice of Tyranny than ever was attempted under the English Constitution

That of Estates being Valued by the Neighbourhood is not without heavy difficulties If the Assessors who Value the Estates are to go by mens Visible Estates all the Inconveniencies mention'd above recur, if they are to have no other rule but their own Consciences only it will

be very hard if possible for any person conscientiously to execute the trust & therefore the most conscientious people will avoid the Office for every considering man knows how difficult it is to know the circumstances of a near friend far less of a stranger. On the contrary it is to be fear'd that the choice of Assessors will fall upon the meanest of the people & those that are least capable & know least of the Country because as I have said the most conscientious & those that have business to employ themselves will avoid it & the poor & rich haveing equally votes the poorer sort being most numerous will choose from among themselves & consequently the choise likeliest to fall upon such as know least of the Circumstances of the Inhabitants I believe likewise every thinking man will think that it may be dangerous to submit the Taxing of People & support of Government to the Caprice of the Mob

The great pretence in favour of this Method is that Taxes rais'd in this manner will be done with much less charge to the People The Reason is (I suppose) that the Constables are to Collect this tax without any reward & the Assessors to enquire into their Neighbours estates proportion their Taxes hear & determine their complaints likewise without reward tho' it must take up much time & give them a great deal of uneasiness & trouble Now I am affray'd this will be thought a much heavier & unjust imposition by those on whom the lot shall fall to serve than every mans paying perhaps at the rate of fourpence a year one with another to be excus'd such Services Besides the Happiness of our Constitution takes care that none shall be so unequally Burden'd for no man is obliged to serve but upon great emergencies without a suitable reward for his trouble

These Clamours against the officers of Government have been allways rais'd by the Enemies of the Government They know that destroying the offices is like cutting of the legs & arms of the Body by which it becomes a useless trunk that can neither offend its Enemies nor defend it self This is all the Game that

is left to the present Jacobites under their Desperat Condition but what effect has it had The Parliament of Great Brittain so far from lessening the Sums giv'n for the Civil list has considerably augmented them to enable the King to encourage the officers & friends of so just & mild an administration for they very well knew that the best government & administration has Ennemies & it very often happens that the goodness the Mildness & easiness of the administration encourages ambitious proud & wicked men to form Designs against it

These are some of the most obvious inconveniencies & how many more may occur if it were put in practise I'm affray'd no man can at present tell Experiments are allways Dangerous especially in Politicks & therefor I think it safest for so young a Country to take example from those of long standing & none certainly can be more agreeable to us than those of our own Mother Country We have allready experience of laying Dutys & know the worst of them & I am persuaded if a few things were amended That the Dutys will support the Government with fewer inconveniencies than any other method hitherto thought of & with more satisfaction to the People

This leads me to consider the Objections made to laying Dutys The first is that by experience we find our Neighbours thrive who encourage Trade while we are poor by our encumbering it This is confidently asserted but if I be not mistaken without any foundation We do not judge uncharitably when we think a man is poor & needy who is put to hard shifts to pay his Debts The same reasoning holds as to Provinces or Countrys Their Debts or the Ballance of their Trade is allways either paid in Money or in Bills of Exchange. And as the Scarcity of Money encreases the Exchange rises & therefor we may safely judge of the Poverty & necessity of a Country by the Exchange between that Country & its Neighbours. The Legally established Currency of Silver in New England is at what we call Proclamation or 6/ & 10d the ounce at which rate the

Boston shillings were coin'd & therefor their Currency ought to be above sixteen ³/₄ Cent better than ours where silver passes for eight shillings the ounce & yet really there Currency & the rate of their Exchange with Britain is above seventy five per Cent worse than ours which certainly can only be occasion'd by their wanting Silver or Gold to pay their Debts for if they had sufficient the Merchant would never buy bills at so great a loss when he could send silver or Gold The like may be observ'd of Carolina & we find Pennsylvania falling every day more & more into the same Circumstances And to Confirm that this is owing to their Poverty it is well known that there is not Any silver or Gold receiv'd in any Payments in those Countrys they being entirely made in Bills of Credit whereas in this one seldome receives a Considerable sum but a great part of it is in Gold It is further observable that the Governments of Virginia Maryland & the West India Islands where specie is plenty & Exchange low are chiefly supported By Dutys on Merchandize The reason why this happens have been giv'n in my preceeding discourse & shall afterwards be further illustrated It is unquestionably evident that our Trade is so far from decreasing that it wonderfully encreases about twelve years a go we had only one ship that went in a year to London & this last year as well as some others preceeding we have loaded [blank] to that place

The next objection is that the Dutys are not an ease to the Country people in the supporting of Government as is imagined because the Country people pay proportionably dearer for what they buy To this I shall only answer that if it be so the Merchants have no reason to complain & the Tax is equal The Country People are satisfied with the Dutys & the Merchants are no losers by them & therefore I hope the Disputes about them will soon be at an end

The third objection is that if Dutys be laid upon Liquors with design to prevent the Importation of too great a quantity & the Mischief that follows from the

abuse of them it would be supporting the Government by such means as we design'd should prove ineffectual
 This seems only to be advanced to show the Authors Wit in which I shall not pretend to contend with him for in the same paragraph he says the Country will buy Liquers whether they be Cheap or Dear

But the most Material Objection is if we prohibit the Importation of Rum Molossus & other things from the West Indies how could we expect they would trade with us I answer 1 That the objection is not fairly stated because a Prohibition was never propos'd & why may we not with as much reason lay a Duty upon the Importation of their Commodities as they themselves do upon their Exportation viz $4\frac{1}{2}$  Cent upon all that is exported to the Plantations 2. The goods they want & buy of us are such as they cannot be without viz Bread & other necessarys of life & they must buy them at any rate But 3 There is no necessity that all the returns should be made in Specie or ev'n so much as we import less of Rum for there are many other ways of makeing returns. There Bills of Excha. on London may be had at 25  Cent for which 65 is paid here. Sugar Molassus Cocoa Cotton Indigo & dying woods may be imported which would give freights to our Vessels & save a good deal of money that is sent to Ballance our Trade any where else But it is wholly a mistake to think that I am against importation of Rum in as great quantities as the Merchant pleases I am only against the excessive consumption of it I would have the Merchants encouraged to export it again that this Country may get something more Valuable from our Neighbours in its place If our Neighbours will be deceiv'd Let them but I would gladly have all my own Countrymen as wise as possible

The 5th objection is against the Duty of Tonnage on Strangers That a few Tradesmen only reap the Benefites of Shipbuilding By the same reason we may discourage shoemakers or Carpenters or Hatters because any one of these Trades bear but a small proportion to the

whole Country The Inconveniencies we have been under by the Duty of Salt are confessed & desir'd to be prevented for the future but when we go about amending let us do it with Consideration & Discretion Let us not pull down the good & the bad together but let us keep the one and throw away the other No Vessel ever went to Amboy meerly on the Account of the Tonnage but on Account of the Tonnage & Dutys together & particularly that of Salt & if that Duty be taken I believe we never shall have another example For the advantages that strangers have in tradeing in this port rather than in Amboy are far more Considerable than the Tunnage which they may chance to pay here The great desire seems to be that this Country be laid under no greater hardships as to trade than its neighbours My desire I am sure is that we may be under much fewer or rather none at all But then the same principle leads us to desire that our Neighbours be not in such Circumstances as to be able to run away with our Trade or at least that we should not help them to do it We all know that the Bermudians sail their Vessels much cheaper than we do & consequently if we shall take the Tunnage off their Vessels we shall put them in better circumstances as to our own Trade than the Inhabitants of the Province are whereas the Tunnage brings them only upon a Level with our selves There is not one Tradeing Nation which does not endeavour to encourage Navigation in their own Vessels & Discourage that of strangers which plainly shows how necessary & usefull it is Not to repeat the Arguments allready advanced none of which I think are in the least answered If our Navigation be entirely or in the greatest part performed by Strangers they may then rule our Trade & Markets as they shall please Nay we may be put under very great Inconveniencies without any design in them For they cannot allways know what number of vessels we want & their affairs & the prospects of greater advantage may draw them to other ports so that we may often want Vessels to transport our Com-

modities I am therefore fully convinced that the Duty of Tunnage on Strangers is very usefull to us & that the takeing it off would hurt our trade exceedingly. Nor does the pretence of the great difference between the young Colonys in America & the great Kingdoms or States in Europe in the least alter the Matter For it is but a short Passage from Brittain to France or Holland & Holland France & Flanders join upon one another as New Jersey New York & New England do They are all of them struggling with each other the one to outdo the others in Trade so that As to the matter in Debate they are exactly in the same Circumstances as we are with our Neighbours & therefore we may safely conclude that the Methods which advance the Trade of England or Holland beyond that of France or Flanders will likewise advance ours beyond our Neighbours Indeed I cannot see how a Duty upon our own Consumption can any way affect our Trade with our Neighbours more than a Land Tax or an excise For when the Merchant either pays no Duty for any goods exported or Draws back all that was paid upon Importation we shall be in no worse circumstances than any of our Neighbours with respect to Foreign Trade who are suppos'd to pay no Duty & we shall be to all useful Intents & purposes a Free & open Port

Now I come to consider the Merchants grand & favourite Proposition That all kind of Trade is to be encouraged & that all Dutys are prejudicial To make our reasoning more easy to every Capacity we may safely consider any Country or Province as a Great Family of which the Rulers are or ought to be the Father or Parent & the People the children If a Father sees a son launching into an unprofitable Trade where the charge & expence will certainly exceed the Profit will not a kind wise father not only restrain such a son with seasonable advise but with authority likewise if he finds admonition insufficient What happens to private Family may likewise happen to the Publick for it is very possible that the Luxury & Vanity of a Country may encrease so much

that the Expence or Importation of Goods for Consumption may far exceed the value of the goods which we export in order to purchase these Goods & then the Ballance must be paid in Cash or the Country must remain in Debt. It is no matter how large our Country or Family be or our Stock or Estate for a man of a 1000 pounds a year may exceed his income by his expence & run in debt as well as a man that is only worth one hundred or lives from hand to mouth. Indeed there is no method possible for a Country to grow rich but by selling to a greater Value than what they Buy & in order to do this effectually they must take care to lessen their Expences. Some expences are necessary others are only for pleasure & others are entirely hurtfull. The last ought allways to be restrain'd without any exception & of this sort I think the excessive use of strong Liquor is the most notable. It Destroys both the body & soul & makes men unprofitable servants both to God & their Country. If excessive drinking were prevented we would save to the Country so much as that unnecessary liquor Cost & we would encrease the labour time & industry of many of the Inhabitants by employing that time in usefull work & labour which was spent in expence & the ruining of themselves & familys. It is true that Dutys will not be sufficient effectually to cure this evil but they will be of some effect & it is better to amend some part than no part. For example we have many good Tradesmen & able labourers who now earn as much in two days as serves to keep them Drunk perhaps four days but if strong liquor be brought to double the price they must work as many days as they can be Idle & Drunk so that the Country saves half the Consumption of a foreign Commodity & gains by double the Labour of such Inhabitants & this further good may be expected that when strong Drink becomes dearer & a person more accustomed to work he may the sooner be reclaim'd & loose his ill habit.

The last thing that I shall observe is this. suppose two men each of them of a hundred a year income. One

of which meerly lives upon his money & spends it on cloaths & in a Tavern upon Victuals & Drink the other employs it with care & Industry in improveing a piece of Land Now I think in Equity the man that meerly spends his Money ought to pay more towards support of Government than he who employs it in improvements for not to mention the discouragement which Idleness deserves the Industrious man feeds many labourers & does all he can to encrease the produce & the Trade of the Country so that if we had no other argument but the desire of encreasing our Trade we ought to encourage the Industrious man & discourage the Idle drone But if the Industrious man & the Drone be taxed only according to their Visible Estates the Industrious man will be punished & the Drone perhaps go free which I think plainly shows that the Taxing of the People according to their Visible Estates is neither so just nore so prudent as to tax them in proportion to their Expences for a man that can spend much needlessly can certainly pay in proportion towards the support of that Government that makes him secure in his life & pleasures Brittain & Holland both support their Governments by Taxes upon the Expence of the Inhabitants which by Long Experience they find not only the most easy method to the People but likewise most Beneficial to the Country

I have giv'n my thoughts with all the Impartiality I can for the good of the whole Country & I think that if the Merchants oppose supporting of Government by such means as are most advantageous to the Country & which tend to lessen the unnecessary expence of it & consequently to encrease its Riches it will not be uncharitable to think that they are not directed by the Good of our Country but by private views especially if the Legislature will condescend to every thing here propos'd for the care & encouraging of Trade

CADWALLADER COLDEN'S
HISTORY OF
WILLIAM COSBY'S ADMINISTRATION
AS GOVERNOR OF THE PROVINCE OF
NEW YORK
AND OF LIEUTENANT-GOVERNOR GEORGE
CLARKE'S ADMINISTRATION
THROUGH 1737

*History of Governor William Cosby's Administration
and of Lieutenant-Governor George Clarke's
Administration through 1737*

[Entirely in Colden's handwriting]

Coll W^m Cosby Gov^r of New York was of an English Family in Ireland When he was Young he travel'd to Italy where drawing at once a considerable sum of Money from a Gaming Table he bought a small Equipage & went into the Army in Spain under the Command of General Stanhope & gain'd a Commission. But it is most probable that his rise was chiefly owing to his Marrying the Earl of Halifax's sister who was likewise nearly related to the D of New Castle & several other Noble Families & by their Interest got a Regiment He was sent L^t Governor to Minorca where he govern'd in a very Arbitrary manner & acted as if he thought no measures unlawfull or dishonorable that could serve to make his Fortune & as if the Govern^t were only given him to make money by any means that his absolute & Despotic power in that Island could give him one instance of which being well attested it is proper to give at lenth

While Col Cosby was Gov^r of Minorca one Bonaventura Capedevilla Merchant in Lisbon sent 234 sacks of snuff in an English Ship to Minorca & consign'd the same to Mr. Joseph Bow Merchant there nine bags of which were sold to defray charges. In Sept^r 1718 there being apprehension of a War with Spain Col. Cosby seiz'd all Bows papers & among the rest all those that could evidence Capedevilla's title to the Snuff & then embargo'd the Snuff under pretence that it belong'd to the Spaniards notwithstanding that Bow's Partner (he himself being at the point of Death) made oath that *the Snuff really belong'd to & was the Property of Capedevilla*

Merchant in Lisbon which Snuff was valued to be worth at least 9000 pound Sterline And the *very same day* that it was so seiz'd Col Cosby by a *very extraordinary act of Power order'd 50 Sacks of the said Snuff to be taken away from Bows Warehouse & immediatly ship'd the same away away for Italy and this three months before the Snuff was actually condemn'd & before any War declar'd with Spain*

On the 26th d January following Coll Cosby order'd the Judges to condemn the Snuff telling them that he had receiv'd an Order dated the 8th of December to acquaint them that his Majesty approv'd of what was done & in like manner *to command and require them* (these being the very words express'd in the Order as he alledg'd) *in his Majesties name That they would without loosing any time & with the greatest Rigour forthwith condemn the said goods in the name & for the use of his Majesty which he told them they were bound to perform by their sworn Loyalty to his Majesty under pain of his Royal Displeasure*

Notwithstanding of this no such orders were given for no such orders upon diligent search in the offices at Whitehall could ever be found neither can it be supposed that any English Ministry would give such orders but was a mere forgery of Coll Cosby in order to force the Judges through fear to do a most wicked Act of Injustice from the Bench of Justice.

To make sure work of his Seizure he refused to let Bow's Exec^{rs} have the use of any of the Papers or Copies of them which he had seiz'd or so much as a sight of them without which it was impossible for them to defend the Snuff & which if they had been produced would beyond Contradiction have prov'd Capedevillas Property But to compleat the villany he set up a Creature of his own to appear as Sollicitor in Defence of the Snuff to give some colour of legal proceedings in this act of Wickedness & Robbery And Accordingly on the 6th of Feb^{ry} 1719 The Snuff was condemn'd by Sentence of the Judges From which Bow's Exec^{rs} demanded an appeal to

his Majesty in Council & Copies of the Proceedings & all other necessary papers But Coll Cosby gave orders that no Act of appeal should be granted & to prevent all possibility of Bow's Exec^{rs} getting copies of the Proceedings to enable them to lay the uncommon hardships of this case befor his Majesty & his Council the Colonel took all the Original papers from the Court into his own keeping and absolutely refused during his Continuance at Port Mahon to redeliver the proceedings back to the Royal Court & when he left Port Mahon he put them into the hands of Captⁿ Gilman with positive Directions not to deliver them And the Royal Court not being able to get the said Original Sentence & Proceedings redeliver'd them, tho' by letters & special Messengers they made frequent Remonstrances to the Governor to order the same to be restored that they might be laid up in the Archives of the Court where all such proceedings had been kept for many Centuries but all endeavours to get them were ineffectual

An Appeal being thus denied & also Copies thereof & of the proceedings Capdevillas Agent at London preferr'd a Petition to his Majesty praying leave to appeal from the s^d Sentence & to have copies of the proceedings deliver'd & that the papers taken from Bow be restor'd & Witnesses examin'd & for General Relief Upon which the Court of Judicature was order'd to answer the Complaint & to send Copies of the Proceedings.

But after many affected delays a Petition was preferr'd to Convene Coll Cosby who was then in London before the Council to examine him & an order being obtain'd accordingly Then the Answer of the Royal Court of Minorca was brought into the Council office which appear'd to be dated the 23^d of August 1721 twelve months prior to its being brought in How these delays could be effected without the Connivance of some great men my Information has not enabled me to tell

The Royal Court confess in their answer that the case was as before set forth & send the Copies of the proceedings which they had receiv'd from Captⁿ Gilman but say

they could send no more papers Captⁿ Gilman refusing to deliver any thing but the bare proceedings & further excuse themselves by the Arbitrary & Despotick Government of Coll Cosby while in the Island of which they gave several Instances

It was not possible for any Ministry to espouse or defend such a Cause & Coll Cosby being forced to pay as it is said 10000 pounds Damages the Government of New York by the Death of Coll Montgomerie came seasonably in his way to repair his broken fortune

How such a man after such a flagrant Instance of Tyranny & Robbery came to be entrusted with the Government of an English Colony & to be made Chancellor & keeper of the Kings Conscience in that Colony is not easy for a Common understanding to conceive without entertaining thoughts much to the Disadvantage of the Honour & Integrity of the Kings Ministers otherwise than by thinking that the Ministry believ'd that what he had suffer'd by the Complaints made against from Minorca would make him for the future carefully avoid giving any Occassion of Complaint from his New Government for this Case of Capedevilla was well known to them & upon the Register of the Council

Col Cosby arriv'd at New York the 1st of August 1732 with his Majesties Commission of Captⁿ General & Governor in Chief & Keeper of Majesties Great Seal for that Province and as soon as he arriv'd he was willing to Show his Disposition of Governing for the very next day going out in his Coach & meeting a loaded Waggon in which one of the Planters sat with his Wife he order'd his Coach man to whip him because the man did not drive so quickly out of his way as he expected

Every one likewise that came to pay their Complements to him were obliged to long attendance before they were admitted tho' they had no other Business but merely to show their respect to him & then receiv'd them with all the affected Spanish Gravity which it may be supposed he had acquired & practised at Port Mahon for which reason people soon began to think that he intended

to use the same kind of Government over the English here that he had over the conquer'd Spanyards there & people began generally to conceive a dislike to his Person & to his Administration

On the 10th of August He made his first Speech to the Assembly Which began with the following Paragraph

When his Majesty was graciously pleas'd to appoint me Governor of this Province I intended to embark early in the Spring but upon the Application of your Agents I quitted that Resolution in order to give the best assistance I was able towards defeating the Bill then depending in Parliament in favour of the Sugar Islands

What success it has had you very well know Then he demands a Revenue as full & ample & for as long a time as they or any former Assembly have at any time given & concludes with these words *If there be any thing wanting to make you a flourishing & happy people you may be assured I will use my utmost power & Interest to serve you*

The Assembly in answer to this very cheerfully gave the Support of Government for five years which was for as long time as it had been given at any time before & towards the close of the Session they came into the following resolve

Resolv'd That in gratefull acknowledgement of the Vigilant & generous Assistance which his Excellency himself & by his means his noble Relations & Friends have been pleas'd to afford in England to oppose an Attempt of the Sugar Islands which (had it taken effect) must have prov'd of the utmost prejudice to this as well as the Northern Colonies That a Warrant or Warrants Issue in Council For the sum of one thousand Pound payable to his said Excellency out of the first money that may arise by Virtue of the Act passed yesterday for supporting this Government, after the Bills of Credit therein mentioned are sunk & destroy'd at the time & in the manner thereby directed Provided Such Warrant or Warrants do not issue until the said Bills of Credit are sunk

& destroy'd & the Gentlemen of the Council do Concur therein.

As to this Present I shall observe

1st That some of the Assembly & of the Council had heard & it was well known afterwards that notwithstanding of the pretence Coll Cosby us'd to obtain this Present that the Occasion of this delay in coming over was the Difficulties he met with in making satisfaction for the Damages recover'd by Capedevilla and every one that had the least thought knew it could not be in Coll Cosby's power in the least to forward or retard by his Influence any Bill passing through either house of parliament so that this was a mere pretence of a party that intended to ingratiate themselves in his favour.

2^{dly} That the Assembly at first resolv'd only to give 750 pound & so it was enter'd in their minutes but the Gov^r inviting some of the members who had voted ag^t the £1000 to dine with him that day After Dinner he Damn'd them & askt them why they did not make their Present in pounds shillings & Pennies upon which the Assembly next day alter'd their Minute & put on thousand pounds in place of the £750 The Members of the Assembly submitting so meanly to this insulting language it is probable encouraged him to pursue afterwards the like insulting Measures with all that were under his Government as the shortest & easiest way to carry his point

3^{dly} That the assembly by this giving of money by a bare resolve in Contradiction to the letter of the Law which the Legislature had but just the day before passed by which it was enacted that the money which was by the said resolve given to the Governor *shall be applied & employ'd to & for supporting his Majesties Government in this Colony & to and for no other use or purpose whatsoever* took upon them in effect to repeal that Clause of the Act by their Sole Authority

This was an Example that suited his Temper to imitate & he let them see he had as much power by his sole Authority to repeal part of their Resolve as they had to

repeal part of the Law & accordingly he drew the Thousand pounds out of the Treasury without any regard to the previous Condition which the assembly made of the Bills being first sunk & destroy'd & those Bills remain'd all the time of his administration for Want of Money in the Treasury to sink them

But what gave rise to the great Discontents which afterwards follow'd was this. M^r Van Dam then Eldest Councillor having taken upon him the Administration of Governm^t after Coll Montgomerie's Death pursuant to his Majesties Commission & Instructions it was Debated in Council whether he was entituled to the whole Sallary or to the half only For by the Instructions in case of a Governors absence from the Province the President of the Council who in such case was to take the Administration was entituled to the half Sallary only But in the case of a Governor's Death the Instructions were Silent neither was there any Established Rule in the Case The Council after having well consider'd the matter were of Opinion that M^r Van Dam was entituled to the whole Sallary For this reason that whoever is obliged to take an office upon him & performs the Duties of that Office is entituled to the Sallary & rewards annexed to the office And that the case of a Governor's Absence did not answer to that of his Death because in a Gov^rs absence he is still Governor he must support in some Measure the Rank of a Governor & has in some sort the cares of the Government upon him & is supposed to be absent with the Kings leave & on his Majesties Service & therefore it might seem reasonable that the Profits should be divided between the Person who held the office & the Person that executed it but in case of a Gov^rs Death there is no person in the office but the President of the Council One or two of the Council differ'd in Opinion from the rest & it is believ'd that some officious person gave Coll Cosby an Account of this Matter for he obtain'd an Instruction to himself for one half of the Sallary from the Death of Coll Montgomerie to his arival at New York Soon after the Gov^rs arival he

produced this Instruction in Council & thereupon the Gov^r & Council made an order without hearing of Van Dam to pay half the Sallary & Perquisites into the Treasury in order to enable the Gov^r to draw it out for his own use altho' the same men or most of them had before voted the whole to M^r Van Dam as his Right It is true M^r De Lancey had been of Opinion that only half Sallary was due to M^r Van Dam as President but the far greatest Majority were of opinion he had a Right to the whole after hearing arguments on both sides

M^r Van Dam having receiv'd the whole Sallary refused to pay the half to Coll Cosby upon his producing this Instruction unless it were recover'd by due Course of Law because M^r Van Dam thought he had a Right to the whole Sallary & that the King could not take the Right from him by an Instruction

The Argument M^r Van Dam used to justify his refusal he printed in the following Words *That where the King or the Law casts an office on any man which is not in his power to refuse & no body else dare execute that in such case all the Sallary & Perquisites annexed to such Office pass with Such Office And that the Person on whom the Burden of the Office is cast is by the Law entituled to the Benefits of it* Nor can it be shown said he How the King is entituled to the Perquisites payable to an officer for Services done by him & which are supposed to be no more than what the officer deserves for such Services

The Governor probably doubted his recovering at Commonly Law & therefore sued in the Kings Name in the Exchequer & to enable him he passed an Ordinance giving the Judges of the Supreme Court power of Judging in Equity as in the Exchequer in England It is true that some time before this Lawyers had intertain'd thoughts of introducing English Bills into the Supreme Court according to the Course of the Exchequer in England & this they did to remove the Business of the Chancery into that Court because as the Governors had assumed the Powers of Chancellor people

had not such confidence in a Governor who could be under no check in this Country & frequently wanted the necessary knowledge of the Law & other necessary Qualifications of a Chancellor besides Governors either by their Indolence or Avocation by other business or out of Policy to keep people dependant prolong'd suits to great lenth to avoid therefore these Inconveniencies the Lawyers had agreed to bring English Bills into the Supreme Court according to the Course of the Exchequer but none had hitherto been brought And it is probable that if the first Bill had been brought upon any other Occasion than at the suit of a Governor or perhaps of any other Governor than Coll Cosby it had passed without Opposition But upon this Occasion most people began to think that by Bringing Bills in Equity into the Supreme Court who could have no other check upon them but that of the Governor himself it would be far from avoiding the Inconveniencies they Apprehended from a Governors Exercise of the Powers of Chancery For as the Judges hold their Commissions at the Governors Pleasure they were absolutely under his Influence & consequently instead of avoiding the ill consequences from the Power of a bad governor it rather increased them for even a Wicked man would rather that another should act the Villany that was to serve his purpose than to do it himself. What Coll Cosby did afterwards & the indiscreet Conduct of the Judges confirm'd very much this Opinion as the Sequel of this Story will show.

As M^r Van Dam's Council urged that the Matter in dispute was clearly determinable at common Law Peoples dislike to bringing suits in Equity where the Governor was interested was thereby increased since they thought that the reason of the Gover^r taking such course was because of the favour He Expected from the Judges which he could not hope for from a Jury

The Chief Justice Lewis Morris Esq^r gave his Opinion gave his Opinion *that according to the Laws Statutes & Customs of England (the only Rules by which the Judges*

here are to Judge) no less or other Authority than that of the whole Legislature can erect a Court of Equity That therefore declared it as his Opinion that they (the Judges of the Supreme Court neither have nor ever had nor ever were intended to have any Jurisdiction in a Course of Equity, nor can such Jurisdiction by any Letters patent or Ordinance not founded on an Act of the Legislature be given & concluded by saying that the giving a New Jurisdiction in Equity by Letters Patent to an old Court that never had Such Jurisdiction before or Erecting a New Court of Equity by Letters Patent or Ordinance of the Governor & Council without assent of the Legislature are equally unlawfull & not a Sufficient Warrant to Justify this Court to proceed in a Course of Equity And therefore by the Grace of God (says he) I as Chief Justice of this Province, shall not pay any Obedience to them in that point

To prove his Opinion he cited many cases & opinions & Decisions of the Judges of England & Declarations in parliament to prove it & likewise show'd by the Words of the act of Assembly passed in the year 1683 Establishing the Supreme Court that it was never intended that the Supreme Court of New York should have Jurisdiction in Equity by the following Clause in the said Act *Provided allways That no persons Right or Property shall by the afore Court be determined, except where Matters of Fact are either acknowlegd or passeth by the defendants fault for want of plea or Answer unless the Fact be found by the Verdict of twelve men of the Neighbourhood as it ought of Right to be done by the Law* By the same Law a Court of Equity was established in the Governor & Council & this act the Chief Justice was of Opinion was perpetual The Courts stood upon the Foundation of this Act till the year 1691 when An Act of Assembly passed Establishing *the Supreme Court* which by the preceeding Act was called the Court of *Oyer & Terminer* & in that Act passed in 91 the same providing & restraining clause was added This Act was Temporary being only for two years but 6 month before it expired another

was made nearly in the same words & so continued by Temporary Acts which Expired in the year 1697

After which time the Supreme Court was established from time to time by Virtue Of Ordinances of the Governor & Council in pursuance of a Clause of the Governors Commission By which they have full power & authority given them with the advice & consent of his Majesties Council for this Province *to erect constitute & establish such & so many courts of Judicature & publick Justice within the said Province & Territories depending thereon as the said Gov^r & council shall think fit & necessary for the hearing & determining of all causes as well Criminal as Civil according to Law & Equity &c* but the Chief Justice was of Opinion that these Powers could not be legally put in Execution without the Concurrence of the Assembly So that *the Courts could not be Established by any such Ordinance but stood Solely upon the Acts of Assembly that first established them & upon their own adjournments & vested with such power & only such as was by the said Act or Acts given them & did not fall or discontinue by the Expiration of any of the Temporary Acts* For these Temporary Acts did at most but suspend the perpetual Act of 1683 during the time of their Continuance & after their Expiration were as if they never had been made

But it is to be observ'd as to this Act in 1683 that it & all the Acts of Assembly passed before the Revolution were become obsolete by their not being printed in the books of Acts & were never pleaded in any Judicature & never taken notice of by the Legislature as in force but some of them reenacted as if never before made

The other two Judges James De Lancey & Frederick Philipse Esq^r both young men & the last without pretence to any skill or knowledge in the law seem'd to agree with the Chief Justice that the Ordinances of the Gov^r & Council were not of themselves sufficient to give the Supream Court Authority notwithstanding of the above mention'd Clause of the Gov^{rs} Commission by their put-

ting the Authority of the Court upon the Common Law of England.

The arguments for it were That the Great Courts in England are Fundamental & incident to the Constitution that is such without which our Constitution cannot subsist & that they have their original from & subsist by the common Law for proof of which several good authorities were produced And since the Constitution & Common Law extends to New York these Courts much extend likewise

It was urged likewise that since the Law Extended the Courts by which these Laws are put in Execution must likewise extend For whatever is necessary for any thing must go along with that thing

Now these Arguments I think prove too much viz That the Jurisdiction of the Courts of England extend to New York & consequently that Courts having the same Powers cannot legally exist in New York & therefore that the Supreme Court which claims the same powers with the Courts at Westminster are illegal besides it is certain that the Courts of Westminster do not extend over all England tho the Common Law does for the Principalities of Lancaster Chester Durham & the Cinque ports have Courts peculiar to themselves

But I suppose the Intention was to prove that Courts with Similar powers are Fundamental to the Constitution This I think may be allow'd

It is agreed by both sides that these great Courts were established by the Common Law that is by some Law or Usage precedent to the time in which any Acts of Parliament now remain & that now according to the Law of England no Court of General Jurisdiction at Common law nor any Court of Equity can be Established otherwise than by Act of Parliament And as it is impossible that the Courts of New York could be established by a law which existed at least 500 years before America was discover'd It follows according to this Opinion that the General Courts but more especially Courts of Equity which is a power of Dispensing with the Common Law

cannot legally be erected otherwise than by the Legislature

As to the Supreme Court of New York tho' in General it may be said to proceed according to the Rules of the Great Courts of Westminster yet in many things there is a great Dissimilitude There are four Courts at common Law each of which have matters peculiarly adapted to their cognizance But here there is only one Court for all matters There the Number of Judges & times of Sitting are fixed by Law Here the number of the Judges & the Times of Sitting are at the Will of a Governor Sometimes there have been two Judges & sometimes three or more These are powers which any one may see have a great Influence upon the proceedings of our Courts

It seems most agreeable to reason that the Authority only which has the power of making Laws should only have the power of erecting courts by which these Laws are to be put in Execution But since the King has the power of putting the Laws in Execution & they would be a Dead letter & as not made without a power to put them in Execution somewhere it seems reasonable & necessary that the King exert his Authority solely while the Legislature have neglected to exert theirs & have tacitly given it up to him But this Argument reaches only to Courts of common Law & not to Equity which claims a power in particular cases of Dispensing with the common Law for the Dispensing Power which the Kings of England have sometimes claim'd is declared to be contrary to Law & therefore any Court of Equity seems to require the Authority of the whole Legislature to erect it & seems beyond Question that the Legislature may at any time take the Regulating & constituting of the Courts into their own when ever they shall think it proper & it may be thought most prudent to suffer the Courts to continue without other authority than what they have for some time till all the inconveniencies of the present constitution appear & then these Inconveniencies to be from time to time amended by the Legisla-

ture because that the Defects in the Constitution of the Courts may keep the Judges in aw of making bold attempts of power whereas if their Authority were without contest Established as we cannot have Judges fitted to the great Trust but often Ignorant & allway depending on a Gov^r any act of meer power could not be so easily resisted

This was the Grand Point debated But besides this M^r Van Dams Council put in several other Exceptions

1 That the Supreme Court was established by Ordinance in the late K Georges time which expired by his Death & there being no new Ordinances to continue or revive the said Court it is now dropt

2 That by his Majesties Instruction the Judges are to be appointed by & with the advice of his Majesties Council & yet the late Gov^r appointed the present Judges without such advise and consent

Upon this It was thought proper to make a New Ordinance in which their Equity powers were to be more fully and clearly given & M^r Morris the Chief Justice hearing of it thought proper to send to the Governor to be heard on the subject of it as being in his opinion contrary to Law To which Message the Gov^r return'd answer That M^r Morris the Chief Justice need not give himself any trouble about the affair *That he (the Gov^r) would neither receive a Visit nor any message from him That he could not rely upon his M^r Morris's Integrity nor depend upon his Judgement or Opinion That he thought M^r Morris a person not at all fit to be trusted with any concerne relating to the King.* And sometimes afterwards the Gov^r demanding a Copy of what he said in Court when he gave his Opinion that the Supreme Court had no Jurisdiction in Equity He thought proper to send it in print with a printed letter likewise to him in which after reciting the above Message from the Gov^r to him He says *I am heartily sorry S^r for your own sake as well as that of the Publick that the Kings Representative should be mov'd to so great a degree of Warmth as appears by this answer which I think*

could proceed from no other reason but my giving my Opinion in a Court in which I was a Judge on a point of Law that came before me & in which I might be innocently enough mistaken (tho' I think I am not) for Judges are no more infallible than their Superiors are impeccable. But if Judges are to be intimidated so as not to dare to give any Opinion but what is pleasing to a Governor & agreeable to his private Views the People of this Province who are very much concern'd both as to their lives & Fortunes in the Freedom & Independency of those who are to Judge them may possibly not think themselves so secure in either of them as the Laws & his Majesty intends they should be. As to my Integrity I have given you no occasion to call it in Question I have been in this Office allmost twenty years, my hands were never foul'd with a bribe; nor am I conscious to my self that Power or Poverty hath been able to induce me to be partial in the favour of either of them. And as I have no reason to expect any favour from you so I am neither affray'd nor ashamed to stand the Test of the Strictest Enquiry you can make concerning my Conduct I have serv'd the publick faithfully & honestly, according to the best of my knowlege; & dare & do appeal to them for my Justification

Some thought this Publication imprudent as being an Appeal to the People which never ought to be done till Justice is denyed in the common Course by Appeal to the Governors Superiors & I've heard that it was made use of against him in the hearing before the Committee of the Privy Council. However that be it had its affect upon the Minds of the People & irritated tham exceedingly against Coll Cosby & all such as were thought to be his advisers & in reality the Effect this & some other publications had upon the people notwithstanding the Ministry were dissatisfied with them made them think it necessary to do something for to allay the heats & to give M^r Morris some Hopes to prevent a farther publication in Great Brittain Coll Cosbys friends in England wrote to him to use his Indeavours to regain the affections of the Peo-

ple But that was no easy matter for one of so little Capacity as he had to do & his Enemies were more successful in exposing all his proceeding & in rendering them Odious he became more familiar with the people & invited many of low rank to dine with him such as had never pretended or expected so much respect

Gov^r Cosby had gone so far with the Chief Justice that it was not easy to Stop He resolv'd therefore to remove him & tho' he did not care to run the risque of doing with the advice of Council he took a Method to have at least the appearance of their Consent by bringing in the Commission of Chief Justice & of Second Judge into Council & delivering it to them in Council & ordering them immediately to be sworn into their offices.

I had been sent for to town a few days before under pretence of some affairs in my office of Surveyor Gen^l When I came into the Gov^r's house he receiv'd me into his arms with my Dear Colden I am glad to see you I was caress'd for two or 3 days by every one of the family Just before I went to Council he took me upon the Couch with & seem'd to entertain me in the most friendly manner but spoke not one word of removing the Chief Justice & appointing another till we were sat in Council when he said that he had removed M^r Morris & appointed Ja De Lancey in his room & thought this the most proper place to give the first notice of it Upon which I said Then your Excellency only tells us what you have already done to which he answer'd yes & I replied It is what I could not have advise & He very briskly return'd to it I do not ask your advice. This put his having the Consent of the Council out of the Question & defeated the whole Design he had been put upon of Cajoling me for I do not think that he was capable of forming any Design himself that had any reach However he never forgave me

M^r De Lancey excus'd his accepting of the Commission at the expense of his predecessor by saying that the Gov^r could not be diverted from removing M^r Morris & that if he did not accept of it the Gov^r was resolv'd to put

M^r Harison in the office a man no wise acceptable to any body If that had been done it would certainly been of great advantage to M^r Morris for M^r Harison was of so bad a Character & so odious to the People they certainly would have pull'd him from the Bench But as M^r De Lancey was of a good family had a numerous relation in the place & had many Friends his being put into the office lessend very much the resentment of Coll Morris's removal & gain'd the Governor a considerable party to support him in what he had done Any man who had come into that office after the manner M^r De Lancey did without the Interest he had in the Province must have succumb'd under the General Dislike which the removing of M^r Morris upon the occasion he was remov'd It was not any personal Interest that produced so great an Appearance in M^r Morris's favour for before that time he was far from being a popular man Nor was his Temper fitted to gain popularity

But to return to the affair of M^r Van Dam ¹ The Chief Justice as before having given his Opinion at the first opening of the Court that the Supream Court had not authority & M^r M^r De Lancey that it had a day was set for hearing the Argum^{ts} of the Council of both sides when the case was to be determin'd by M^r Philipse But when that day came the plea was order'd to be set aside without suffering M^r Van Dams Council to support his plea This was cry'd out upon as condemning unheard & confirm'd the peoples Opinion that the Judges were partial in favour of the Gov^r but the reason might be that M^r Philipse was not capable of giving any colour to his opinion

M^r Van Dams Council then Demurr'd to the Equity of the Bill that is that there was nothing in their Bill but what might be obtain'd at common law & this is thought to be good plea supposing the Jurisdiction as to Equity to be good for the only pretence for proceedings

¹For the Rip Van Dam case, compare the several Van Dam pamphlets printed by John Peter Zenger in 1733 and 1734, listed in Sabin's *Bibliotheca Americana*, nos. 50849, 98429-98431 inc.

in a Course of Equity contrary to the Rules of the Law is that a sufficient Discovery & proof cannot be made according to the Course of the Common Law M^r De Lancey declined sitting at the Determination in this point Declaring that As he had formerly in Council given his opinion against M^r Van Dam he did not intend to give any Judicial Opinion in this case But as the present Question no way related to the merits of the cause it was thought he purposely left it to an ignorant brother to give a Determination contrary to Law in favour of the Governor The reason M^r Philipse gave for his Opinion was that the King could sue in what Court he pleas'd. This the other side own'd to be so far true that the King can sue in any Court of Law for a thing determinable at Law or in any Court of Equity for a Thing Determinable in a Course of Equity But if the King when he pleases can sue without Restriction in Equity, it would be oversetting the Greatest privilege the People have by the common Law in being tried by a Jury in Prosecutions for the Crown And it was positively asserted that that this Determination of Judge Philipse was contrary to Law This Opinion seem'd the harder in this case because tho the suit was brought in the Kings name it was well known & appear'd by the Instruction it self by Virtue of which the suit was brought that the King had no Interest in it but that it was soley for the Gov^{rs} Benefite

Then M^r Van Dam filled a Declaration at common Law ag^t Gov^r Cosby for Diverse sums part of which was for money advanced at Gov^r Cosby's desire for his use before his Arival The rest was for perquisites which M^r Van Dam alledg'd he receiv'd During Van Dams administration to the half of which according to the Kings Instruction Van Dam had as much right as the Gov^r had to the half of the Perquisites that M^r Van Dam receiv'd during the same time & he pray'd the Court to stop proceedings in Equity till that suit should be determin'd for by it he said it would appear that even allowing that M^r Cosby had a right to half of the Sallary

& perquisites a Ballance of £3537 would appear to have been receiv'd more by the Gov^r than by him Tho' this had all the appearance of reason yet Coll Cosby would not enter an appearance & in his Station he could not be compell'd neither would the Judges stop process in Equity till he did which between other men could not well have been refus'd Its certain Coll Cosby had good reason to refuse an appearance because the tendency of that suit was to lay open the Arcanas of the Gov^t of New York that is to say the Sinister means Gov^{rs} take to get money. However it workt so far upon him that he thought proper to propose an accomodation & paid the Money M^r Van Dam had advanced at his desire for by this time he found it not so easy to get his Demands by any colour of Law as it was easy to make Judges fit for his purpose But M^r Van Dam was persuaded by his friends to avoid this proposal the chief view of which was to perswade him to desert his friends in which case he would soon have become a prey to the Gov^r.

At last on the 19th of Dec^r 1733 M^r Van Dam sent the following Letter with heads of Compl^t that he designed to lay before the King [space left blank]²

This effectually allarm'd the Gov^r & in a great hurry call'd together his friends of the Council who in answer to the Complaint wrote a letter to the D of New Castle one of his Majesties Principal Secretaries of State ² In most cases they had no other excuse but that Gov^{rs} before him had done the same & in excuse of others advanced notorious falsehoods But it was in itself so fulsom & full of such affected Declamations in praise of *Coll Cosby's Worthy & Great Character* that it could be of no use to him in England where he was well known & could only serve to expose the Signers of it. For this reason his friends in England never made use of it This letter

² See *Heads of Articles of Complaint by Rip Vandam, Esq; against His Excellency William Cosby, Esq; Governor of New-York, &c. To which is prefixed, Mr. Vandam's Letter sent to His Excellency with a Copy of those Articles. As also A Letter from some of the Gentlemen of the Council of New-York to his Grace the Duke of Newcastle . . . Boston, 1734, folio, pp. 28. Sabin, no. 98435.*

was afterwards printed & dispers'd in New York to the no little mortification of the Signers

As M^r Van Dam deny'd the Jurisdiction of the Supream Court he stood out the process of that Court which the Gov^r would have pushed with all the force of Law and practise in such cases had not the appearance of the populace deterr'd them who upon several occasions met in great companies to shew their resolution to defend M^r Van Dams person & Estate so that the Court could not find any person to serve the Process so general was the Opinion of the Partiality of the Court & the Injustice done M^r Van Dam It is true that M^r Van Dams friends had published many papers in order to expose the Gov^r and the Judges & to move the peoples passions against them as designing to set up A Despotic & Arbitrary Government by which all mens lives & estates might become precarious The Gov^{rs} friends on the other side charged them with Seditious practices that were destructive to all Government whereas if the Judges err'd or were otherwise to be blamed the Law had given a remedy by an Appeal to the Gov^r & Council & from them to the King & Council in England

But in this case M^r Van Dam in a printed paper said any one with half an eye can see with what Success an appeal is like to be attended when the Gov^r is concern'd in Interest against him & the Council had allready determin'd that he should pay the money Suppose that our Supream Court has no Jurisdiction to determine causes in Equity (as the Chief Justice is of Opinion) & the Judges should take upon them to say they have And allow that to be Equity which is not & consequently lay aside Trials by Juries which way can they be Controll'd & hinder'd to proceed. An Appeal to England is so late & so expencive a Remedy that few people can come at it & would ruin a man of moderate Estate in the prosecution M^r Van Dam gain'd his end by means of the popular discontents for the Gov^r & Judges both found it might be dangerous to their persons to proceed & he had this in Excuse that so much partiality had appear'd in

all the proceedings that he could not well expect indifferent Judgement & had no other Method to save himself. This fully showd how dangerous it is for any administration to be suspected of having so little regard to Justice as to turn the power given them for the support of Justice to the oppressing of any man for their own Benefite for the whole reason of mankind's submitting voluntarily to others & placing them in authority over them is for the equal Distribution of Justice While Justice is equally distributed Meer usurpers are often submitted to with patience at least but when Justice is neglected or the powers given for the equal Distribution of Justice are made use of to oppression or only to enrich those in Authority people grow uneasy & often rebell against their Princes who have the best & undoubted right to rule over them I remember that when Coll Cosby remov'd M^r Morris from being Chief Justice & upon that occasion M^r Philipse was appointed 2^d Judge in the place of M^r De Lancey who was advanced to be Chief Justice I discover'd in his Countenance when he receiv'd his Commission such exulting as only happens to weak minds that do not know the Difficulties which attend an office which required great Skill & ability He was afterward exceedingly exposed & humbled by his Ignorance & if he could handsomly have laid down his office he show'd that he gladly would but notwithstanding of this when he had got over the present Difficulties his Vanity love of power & the profits of the office made him again fond of retaining it tho' every time he was under a necessity of speaking from the Bench he exposed himself to the Contempt of the Auditors So that through too great fondness of Honour he lost all respect & became pitifull to men of sense

I have related this affair of Van Dam without breaking the thread of the Story because it was the chief handle laid hold of to incite the People against the Administration But Coll Cosby gave them fuel enough otherwise likewise to blow up the fire by despotic & imprudent acts some of which I shall next relate

The City of Albany by their Charter from Coll Dongan Gov^r of New York under the D of York which made them a Corporation among other things had 1000 acres of Land granted them at the place now called Fort Hunter where the Mohawk's had & still have their principal Castle with leave to purchase that 1000 Acres of the Indians but the City had never been able to purchase it of them It had been for some time surmised that the City's Title to that land was precarious for want that purchase & some other defects of the Grant to remedy which the City got a Grant of it from the Indians but in trust for the Indians that is to say that the City should hold it for the use of the s^d Indians so long as any of them should remain to inhabit it & on their failure to the use of the Corporation

This Land is worth at least £5000 New York money & Coll Cosby being told of it & of the Defects of the Albany Title resolv'd to have it to himself But as he thought this Indian Deed might be an Obstruction to his purpose L^t Butler who commanded the Kings Garrison at Fort Hunter was imploy'd to give the Indians some Jealousy of the Deed which they had given to the City of Albany & they were advised by him to complain to the Gov^r that the City had procured that Deed fraudulently & had inserted several things into it which had not been interpreted or explain'd to them. The Gov^r sent for the Mayor & telling him of the Compl^t made by the Indians required him to bring the Deed that it might be read before them which the Mayor consented to upon the Gov^r Coll Cosby giving his promise that it should be safely restor'd. As soon as it was read the Gov^r gave it to one of the Indians who as was before concerted tore it to pieces & threw it into the fire & I have been told that after the Indian had the Deed put into his hands he stood some time in suspence till Coll Cosby with the motion of his hands made him understand that he was to tear it & throw it in the fire This Destroying of Deeds made a great noise & gave a good handle to Coll Cosby's Ennemies against him The Grand Jury of Albany

intended to endite him for it & would certainly have done it had not the Sheriff taken care to put some upon the Jury who did all they could to intimidate the Others

The Mayor likewise in order to clear himself from being in the Combination came to New York while the Assembly was sitting to lay the Affair before them but means were found to make him desist. However tho Coll Cosbys Interest was so great as to prevent any publick inquisition into this affair he & his friends could not avoid the Impression it made on peoples minds that he would stop at no Injustice in order to fill his pockets It occasiond however so much clamour that his design was entirely defeated & he was deterr'd from passing a Grant of that land as he design'd

The Gov^{rs} of New York have taken upon themselves to be Chancellors tho' their Authority has at all times been disputed At first the Chancery by Act of Assembly was placed in the Gov^r & Council But the Earl of Bellamont when he was Gov^r took the Chancery into his own hands & all the Gov^{rs} since have strenuously retain'd it. After Coll Cosby's arival a Bill was filed in Chancery by the Attorney General to vacat a Grant of 50,000 Acres of Land granted by his predecessor Coll Montgomerie This created him many Ennemies who not only oppos'd him as in other cases & as others did from the general opinion of his avaricious ill principles but out of Interest which generally works with the greatest force on mens passions for many & several of good Estates & of the most considerable men in the Province had shares in that patent. People are generally the more affray'd of the powers of the Chancery being in the hands of a Governor by reason that if he have a mind to stretch those powers to the greatest lenth even to bringing all cases before his court & thereby oversetting the common law it would not be in the power of any court to contrroll him, but in the hands of such an ignorant willfull avaricious man as Coll Cosby the Chancery appeard terrible especially when he return'd a suit to break & annul a Patent in this Country where all the Titles in the Country

depend upon Patents & when no such thing had ever been attempted in the Chancery in England No man could he had any security for his Estate if they became defeasible at the will of a Governor

But it is proper to mention the particulars of this case There had Disputes & Differences subsisted between this Province & the Colony of Connecticut which had been endeavour'd to be adjusted by several agreem^{ts} made between the two Colonies viz in the years 1664 & 1683 but had never been brought to a final conclusion till the year 1725 when I was one of the Com^{rs} on the part of this Province As it may be of use in all publick treaties I shall observe that at that time we had many meetings to no purpose till at last when we had resolv'd to break off our Conferences I at the last meeting took one of the Connecticut Com^{rs} aside & represented to him the great prejudice these Disputes were of to both Colonies & as New York is more powerful & has a greater Interest at the Court of Great Britain it was certainly for the Interest of Connecticut to accomodate them amicably & that if they slipt this Opportunity perhaps they never might have another because we were resolv'd to run our lines ex parte pursuant to an Act of our Province which had the royal approbation in which case they must expect no favour & that we were actually resolv'd to begin the next day & desir'd him to tell me between ourselves if there was any particular thing which they had at heart for I suspected they had something which they did [not] care to mention least there should be advantage taken of it upon which he own'd that their chief concern was for the people of Ridgefield least they should loose the lands many poor people had spent the best part of their life in improving We assured him we could consent to every thing we could in their favour provided they were as easy in giving us Satisfaction in other matters Upon this the conferences were renew'd & we by a new agreem^t much to the advantage of New York put an end to Disputes that had continued above forty years & to accomodate which many fruitless meetings had been

between the Com^{rs} of these two Colonies for which reason I have some pretence to Value my self because the other Com^{rs} that were join'd with me understood very little of the Matter and the service was thought so considerable that we receiv'd the publick thanks of the Gov^r & council at our return when we made report of what was done And I may upon this Occasion make this General Observation that often conferences of this kind became useless by the parties of each side not taking care to find out what particular points the other have most at heart for by making concessions on those heads greater advantages may be gain'd on others This of finding out what contending parties have at heart & yielding to them is generally the most effectual method of Bribing for while it produces all the effects of Bribing it at the same time removes the Scandal & remorse which attends a bare faced bribery for it has not the appearance or face of Bribery even to the persons themselves that are thus bribed But to return to the point I left notwithstanding that this Agreem^t in 1725 was so full & particular that nothing remain'd but the Actual Execution of it yet that had remain'd to the year 1730 undone because there was no money left of what had been given by the Assembly for the performance the whole having been expended at the last conference with the Connecticut Comm^{rs} & other fruitless Conferences before that time In that year a Company was form'd to defray the Expence of running the Lines & settling the Boundaries between the two Colonies upon Condition of having 50,000 Acres of the land which Connecticut had agreed to Surrender or give up to New York in place of other lands which New York at yielded to them part of what New York claimed & which had been improv'd by & long in the Possession of Connecticut & Petition'd the Gov^r & Council to that purpose which was granted upon condition of that Companies first running & settling the lines at their Expence Com^{rs} were appointed by the Gov^t to perform the work at the Charge of that Company & the Work was accordingly performed Francis Hari-

son Esq one of the Council & who formerly had been one of the Com^{rs} for New York that made the Agree^{mt} thought himself slighted in not being consulted & taken into that Scheme & took it the more amiss because he had deserted his former patron Gov^r Burnet & his Friends at the time of Coll Montgomerie's Accession to the Gov^t who at his accession join'd a party in the Govern^t that had all-ways oppos'd M^r Burnet M^r Harison thought he had deserv'd otherwise at their hands but now he found it to be true what M^r Burnet said *That his Ingratitude to him would never recommend him to his Successor* & he found that those who remain'd steady in their Friendship to M^r Burnet become more acceptable to Coll Montgomerie than he that had betray'd it in order to serve him and the party he join'd tho they might like the Treason they hated the Traytor

As it required a considerable time to perform the previous conditions of the Grant before it was to be made M^r Harison made use of it to inform his friends that a Valuable Tract of land in New York (& which he represented as much greater than really it was) might be obtain'd & by his means the Duke of Chandois S^r Joseph Eyles & several other considerable persons were put upon suing for a Grant of those lands in England & they accordingly obtain'd a Grant under the Great Seal of G^r Brittain for them bearing date the 15th of May 1731 about a month before the Grant passed for the 50,000 Acres in New York

While this was a doing Harison with the greatest Dissimulation made interest to be taken into the New York Company & was accordingly taken in & he express'd the greatest gratitude for the favour while he was doing all he could to destroy & defeat their purposes

Coll Montgomerie dy'd a few day after it was known that such a Grant had passed in G^r Brittain & by that means M^r Harison escaped the Resentment from Coll Montgomerie which his Treachery deserv'd for he hell'd several beneficial offices by his favour & during his Pleasure This Accident gave his courage & he openly de-

clar'd himself Agent for the English Patentees And he set himself by all manner of Artifices & by force to get possession of the lands in which the great power & wealth of his constituents very much assisted him

But he had to do with men of Spirit that would not yield their right while there was any means of Supporting it At this time Coll Cosby arriv'd in his Gov^t

of this Province & took M^r Harison into his confidence & one Joseph Worrel at the same time who had turn'd Bankrupt in London & arriv'd a year or two before in this province These two men set their heads at work

to flatter a weak vain man & to find out all the low ways of filling his pockets by bargaining with those that were in office to continue in their offices or by offering them to others & that for pitifull sums of money for there are no offices in the Govern^t at the Gov^{rs} disposal that yield so much profit as to deserve any considerable gratuity for them The most advantage that can be

made of them & the only advantage which other Governors did make of them was to give them to people of some Interest in the Country or to their friends & by that means engaging them in the Interest of the Govern^t

By this low practise the Gov^r lost many & prevented others from being hearty to serve him when they thought that they had no other security for their offices & were under no obligation to the Gov^r more than any man is to a Pedlar that sells small wares when he buys them for ready money No Govern^r will ever succeed in getting money by his Gov^t when he makes it too evident that he has nothing else in view & accordingly those Gov^{rs} made the most money to themselves who appear'd generous & receiv'd money only as casualties & perquisites which accrued as gratuities & perquisites for favours freely & without bargaining bestow'd

But to return to the affair of the English Patent Coll Cosby's behaviour soon convinced those interested in the New York Patent that he had given the English patentees assurance of his favour among other things by his saying in Discourse concerning this affair *poor Crea-*

tures meaning those of New York *What can they do in Opposition to such great men in England* Indeed He had no notion of Justice other than that of Power M^r Harison had no hopes of succeeding by a suit at common Law which was the only proper method of pursuing his constituents right in cases of Land for by Ignorance of the ancient & present Boundaries between this Province & Colony of Connecticut tho' he had been one of the Com^{rs} that made the agre^m^t in 1725 by which the present Boundaries settled & consequently the ancient boundaries came often into the debates I say by his Ignorance gave the Gentlemen in England wrong Information so that the Land they had granted to them fell within the Patents granted many years before in New York & left out the lands call'd the Equivalent lands of which the 50,000 Acres granted by Coll Montgomerie were part & which M^r Harison design'd to have had passed by the English Grant He knew that the English grant could not receive from a New York Jury a more favourable Interpretation than the words of the Grant would strictly bear & for that reason he despair'd of success in that manner but thought of a more certain course by filing a Bill in the Kings name for Vacating the Grant of New York under pretence of many feigned frauds & irregularities in obtaining it & he made no doubt but any colourable pretence would be sufficient with Coll Cosby to Vacat & set that Grant aside This gave a general allarm as rendering all the Titles in New York precarious for if a Gov^r could in Chancery set aside this Grant in Chancery more colourable pretences might be found to set aside any other

This Grant in New York was passed with all the usual formalities that any grant passes & had a farther consideration or motive to the Grant the great Expense the Grantees were at in running the Partition lines between the Govern^{ts} whereas the Grant in England passed in an unusual manner never before that don since the Grant of the Country to the Duke of York any Grant having passed there for Lands in New York & it favoured

much of Fraud to endeavour without previous notice to obtain a Grant of Lands when it cannot be doubted but they had notice by their Informer M^r Harison that the Governm^t of New York had made an Agreem^t for the Grant of the same lands This appears by the Precipitancy with which the Grant in England passed for the Petition was made in March & the Grant passed in May whereas above 9 months passed in New York between the Petition & Grant that is from the Beginning of Sep^r to sometime in June following It certainly cannot be fully Justified to Grant in England lands in New York after the King had given full powers to grant the lands there & that without any notice & return of that notice especially since the Gov^{rs} of New York had solely & without once any interposition of the King or other authority exercised that power for above 70 years.

And it seem'd no less odd for a suit to be brought in Chancery in the Kings name who had no interest in it to vacat the New York Grant in favour of that of England This was the more extraordinary when no one instance of the Kings letters patent being set aside by *English Bill* or according to course of Equity but by *Scire facias* where the course of proceeding is according to Law common Law It was concluded that such a course of proceeding would not have been attempted before any Chancillor but such a one as Coll Cosby who had no notion either of Natural Justice or of Equity or of the Law of the Land

It was no wonder then that the New York patentees did endeavour to decline his Jurisdiction which they did by way of Exception for the following reasons principally besides others That by An Act of Assembly the Chancery was in the Gov^r & Council & consequently not in the Gov^r alone And that in this particular case the Gov^r had an Interest seeing by breaking a patent he had power to grant the same land after vacating of the patent & M^r Montgomerie had receiv'd £750 as his fees for the Grant the Present Gov^r might expect at least as much for a new Grant of the same lands

At the hearing of these Exceptions the Gov^r overruled them without suffering any Argument either in Support of his Jurisdiction or of the Exceptions to it. He acted in this case it is supposed by M^r Clarke's advice & behaved better than was expected. The Council for the King began first to Speak in Support of his Jurisdiction. He stopt them & said he would hear nothing on that Subject but would support his Jurisdiction & in this he took off a good part of the Odium that would have follow'd by allowing one side to & refuse to hear the other. But M^r Alexander arising up & addressing himself to the Gov^r he was immediatly stopt & the Council for the King told him he must not speak after the Chancellor or Court had determin'd the point. He answer'd that he did not intend to speak to it but to another matter or point upon which the Gov^r the Gov^r seemed not to know what to do whether to hear him or not but lookt to M^r Clark who was present & took his Directions by M^r Clark's behaviour when M^r Clark stopt from going out (for he got up in order to go away as soon as the Gov^r had over ruled the exceptions) the Gov^r stopt & seem'd as if he would hear what M^r Alexander had to propose but M^r Clark beginning again to move away the Gov^r mov'd from the Bench & would hear nothing & the Dfts were obliged to put in their answer not being allow'd to plead or Demur to the Bill which being done this affair rested there. M^r Harison who had managed this affair for the English Patentees being obliged soon after to fly the Country as shall be next related & M^r Cosby dying before any new orders came from England.

After the English patent before mentioned was sent to New York & M^r Harison appointed their Agent among several others he imploy'd one W^m Truesdale who was very active in serving him but after he had imployd him for some time M^r Harison took into his head to throw him into Jail by the means which I shall presently relate for what reason I know not perhaps it might be that having by this means ruind his fortune & made him desperate he intended to make us of him in some des-

perate Action Harison's revengefull temper was such that there was no Villany which his Revenge might not suggest to him in order to have it Satisfied but what is now said for the reason of Harisons thus useing his Friend is only on conjecture the real motive never having been discover'd other than to get that money to him self in case his power had never been Questioned

Truesdale ow'd money to Joseph Weldon of Boston & Weldon being in Want of the Money wrote to Truesdale at New York pressing the payment of it M^r Harison had put his son to the Postmaster who was likewise an attorney at Law & wrote in the Post Office & many intertain'd a Jealousy that he was put there on purpose to intercept letters because several at that time miscarried The son accordingly intercepts this letter to Truesdale Soon after viz on the forenoon of the 7th of Oct^r 1732 by M^r Harisons directions a Writ was Issued agt Truesdale at the suit of Weldon The same day at Noon M^r Harison met Truesdale at an ale house where pretending not to like the Beer he invited Truesdale & his Comp^y to meet him 2 hours afterwards at another house. When Truesdale came to the other house he found the under Sheriff there who immediately arrested him Truesdel sends to M^r Harison as his friend to help him in his distress As soon as Harison came he in a seeming great Surprise said to Trusdel In the name of God what is this I hear you are arrested for such a sum & blamed for not informing of it that he might have kept him out of the Sheriffs way

Weldon came to New York & made oath that at the time of Trusdels Imprisonment in his name & long after he was an utter Stranger to M^r Harison & had never heard of his name nor given him nor any other any authority for that suit & produced a letter from M^r Harison dated the 16th of April after in which he desires a Power to sue Trusdel & owns himself not to be known to Weldon These Facts were prov'd upon him in open court to his face & all his excuses prov'd false on the 19th of April 1734 The Jury gave Trusdel £150 dam-

ages & cost of suit Trusdel likewise sued Harison for a Debt due to him which he recover'd in which suit Harison brought in a piece of an Account the rest being torn off with Trusdels name to that piece in which acct there was a ballance due to Harison & which Harison aver'd to be a settlement of all accts by them & that his children had met with through his carelessness & tore it as it was He either did or offer'd to make oath to it but to his great Mortification Trusdel happen'd to have in Court a Copy of that acct under M^r Harisons hand by which all his pretences were prov'd false But what makes this trial still more remarkable was a letter found in the Entry of M^r Alexanders who was Council for Trusdel the 1st of Feb^{ry} 2 or 3 days after Harison had notice of trial in the above case As this letter made a great noise in the Province I think it necessary to Insert it at large

To M^{rs} Alexander in New York
M^{rs} Alexander

I am one who formerly was accounted a gentleman (see Journal of Feb^{ry} 4th 1733)³

as soon as the letter was taken up which happen'd to be about 12 a Clock at night as some company were going out M^r Alex^r & another Gentⁿ who knew M^r Harisons hand judg'd it to be his Writing & so several others thought M^r Alexander judged that the letter was wrote to frighten M^{rs} Alex^r & to deter M^r Alex^r from going on with the suit in Trusdales case & tho' M^r Harison had disguised his hand yet many peculiarities of his manner of writing were easily to be discover'd Perhaps he did less guard against this in the Direction which was upon a Cover designedly for unless M^r Alex^r had some suspicion of the person from whom it came it could not have the effect design'd & in case M^r Alex^r should attempt to affix the letter on M^r Harison he thought

³ The anonymous letter was published, without the name Alexander, in the supplement of Zenger's *New-York Weekly Journal*, of February 4, 1733/4.

that his Interest with the Gov^r & other principal men in the Administration for in violent publick dissension men of M^r Harisons talents are thought useful would turn the weapons upon M^r Alex^r as a forgery of his which last was really afterwards attempted There is some reason to think that Harison exposed his hand designedly upon the Cover because in his paper afterwards address'd to the Corporation he says he had wrote several letters to M^{rs} Alexander for shop goods & that perhaps some of them might be under a Cover directed to her

Soon after The Grand Jury sent for M^r Alexander & desir'd him to bring the letter found in his house & they after strictly examining it & comparing it with other of M^r Harisons writings were inclinable to have indited him but were dissuaded from it by M^r Alexander who said a similitude of Hands was not sufficient Evidence & might of dangerous example by bringing many innocent persons into trouble & danger Whereupon they address'd the Gov^r setting forth *That a Villainous demand had been made of the Wife of the hon^{ble} Ja. Alexander Esq one of his Majesties Council for this Province* (see Rep. of the Committee)

The Gov^r referr'd this address to a Committee of the Council for advice They M^r Harison being one of the Committee met at a Tavern & sent a Summons to M^r Alexander to attend them with the letter This M^r Alexander took amiss that he should be only summon'd as an Evidence & not to assist at the Committee as well as M^r Harison who by the Gen^l Surmise of the Town after what had been before the Grand Jury was suspected to be the writer of that letter & therefore before his appearance he by letter directed to the Chairman desir'd a Copy of the order of Reference & the names of the Committee that in case it should happen that one of the Committee be the person suspected by him he should withdraw before he came to give his Evidence against him M^r Harison insisted that his accusers should be confronted with him tho' nothing is more contrary to practice either before the Council or a Grand Jury to

suffer the suspected person to know the Evidence ag^t him till he is brought upon his trial for by that means the Criminal might find means to evade the Evidence before the time of trial & prevent further discoveries which are often obtain'd by Examining the Criminal while he knows not what evidence has appeard However this of the accuser & accused being brought face to face having an appearance of Justice with people that cannot or do not distinguish the times when such confronting is proper the Committee laid hold of it & resented M^r Alexander taking upon him to propose preliminaries to them as they expresst M^r Alexander had another reason to avoid meeting with M^r Harison at that Committee where the greatest number & the most leading men (by reason of the publick Dissensions which then subsisted) were his Ennemies viz That he apprehended M^r Harison might take the opportunity to murder him under the Pretence of the sudden rage the accusation of such a vile act might raise The Committee adjourn'd & M^r Alexander by one of them sent them word he would attend but at the same time took care to have a number of his friends in the room of the tavern next to that where the committee met to be ready in case any thing happen'd The Committee tho' they were inform'd of M^r Alexander's Message did not think proper to send for him but immediately adjourn'd The Committee sent for the Mayor ⁴ of the City before whom M^r Alexander the next morning after the letter was taken up had made affidavit of his having found that letter in the Entry of his house & show'd it to him & M^r Hamilton ⁵ who was present when the letter was taken up & only read the Direction who both made oath that they saw no likeness in the writing to M^r Harisons only in the letter T of the Direction but neither of them had compar'd that letter with other of M^r Harisons writings as the Grand Jury had done neither had the Committee seen the letter in order to compare it Upon these

⁴ Robert Lurting.

⁵ John Hamilton.

Evidences only The Committee came to the following Resolutions (see the Report)⁶

I am fully convinced that M^r Kennedy M^r Van horn & M^r Courtlandt who were of the Committee did not understand the force & design of the words of these resolves which declared that Letter to be a forgery And as there was not the least appearance of Evidence before the Committee of its being forged the using of this Expression confirms the Suspicion of M^r Harisons design of Writing it (if he did) that in case it had not its effect in deterring M^r Alexander from Prosecuting him he would be able by the Interest he had with the Governing party in the Province & the Violent animosities that were occasion'd by the publick Dissensions to fix it upon M^r Alexander as a forgery contriv'd by him & an effect of their party rage for so he call'd it in his paper directed to the Corporation

M^r Harison in a few days after published a paper⁷ addressed to the Mayor aldermen & Common Council of the City of New York he being himself Recorder wherein he makes solemn Protestations & asseverations of his Innocency repeated a great part of the report of the Committee & added several facts in order to blacken M^r Alexander But he had the mortification to receive no answer from the Corporati[on] as he hoped tho they were of the same party M^r Smith was drawn in as an accomplice in the forgery by M^r Harison tho neither of them were charged with it in such direct terms as the law could lay hold of

M^r Alexander & M^r Smith published a paper in their own Vindication⁸ & exposed the Report of the Commit-

⁶ *The Report of the Committee of His Majesty's Council, to whom it was Referred, To Examine and make Enquiry, touching a Letter found in the House of Mr. Alexander in New-York, on Friday the First Day of February, 1734*, was printed by William Bradford, in New York, in 1734, folio, pp. 11.

⁷ Printed by William Bradford, 1734, folio, pp. 9. Sabin, no. 30379.

⁸ *The Vindication of James Alexander. One of His Majesty's Council for the Province of New-York, and of William Smith, Attorney at Law, from the Matters charged and suggested against them in two Pamphlets lately published . . . To which is added A Supplement containing A brief Account of the Case of William Trusdell, Plaintiff, against*

tee in such manner that none ever attempted to Justify it They likewise prov'd the matters which M^r Harison had added in order to Blacken M^r Alexander & M^r Smith to be absolute falshoods

About the time this Vindication was published Trusdales Action against M^r Harison came on & M^r Alexander published an Account of that trial & of the Evidence which appear'd upon it by way of Appendix to his & M^r Smiths Vindication which concludes with these Words *Whether a man that can be guilty of Ingratitude Treachery Injustice numerous falshoods knowingly Cruelty & Dissimulation can with reason be esteem'd not entirely Innocent but Incapable of being guilty of some other Crimes*

M^r Harison had soon after reason to Judge that the Report of the Committee of Council & his own paper had made but small impression upon peoples minds in his favour for the next Grand Jury indited him upon the Statute for makeing use of Weldon's name in suing of Trusdale without authority from Weldon & process was issued against him upon which he absconded for some time & at last fled the Province Indeed he had been long under an ill character many particulars of which were made part of peoples conversation at this time as his receiving Bribes in the offices he enjoy'd & particularly one very Notorious as Judge of the Admiralty which made that Committees of Councils declaring him incapable of Committing the Crime of which he was suspected the more surprising & I believe they were afterwards heartily ashamed of it But party Interest & Animosities often lead wise men into extraordinary & indiscreet steps

I now come to the trial of the Printer of *The New York Weekly Journal* This paper was first set up about the time the people began to be dissatisfied with Coll Cosby's administration The Writers in that paper exposed the Actions of Gov^{rs} party in the worst light

the Honourable Francis Harison, Esq; Defendant . . . printed by John Peter Zenger, New-York, 1733 (1734). Sabin, no. 84558.

they could place them & among other well wrote papers published several that could not be justified & of which perhaps the Authors upon more cool reflexion are now ashamed for in some of them they raked into mens private Weaknesses & secrets of Families which had no Relation to the publick The Gov^{rs} friends published in the Gazette in opposition to the Journal but were generally thought no match to the other side They therefore resolv'd to make use of the authority with which they were vested to crush what they were not able to do by Argument

Zenger began to print his Journal the 5th of Nov^r 1733 The 15th of Jan^{ry} following the Chief Justice De Lancey charged the Grand Jury in the words following You must have observ'd, that of late there have been several papers printed &c see Chief Justice's Charge ⁹

Some observations ¹⁰ on that Charge were soon after printed wherein the observer says

Had I heard this with my eyes shut, I should have thought the Attorney Gen^l with a proper Zeal natural to him, had been entertaining the Audience in the case of some Libelor, brought to trial by Information or Indictment, & not a Judge giving a solemn Charge; because I have allways thought it the proper business of a Jury & not of a Judge, to determine what papers were Libels. His Honours intimate acquaintance with the Gov^r, no doubt, makes him capable to judge what effect Libeling or any thing else will have upon his Temper: but what condition a man is in, when under the Government of a Temper unsuitable to pass laws for the publick good, I wont presume to ask his Honour; because I take the Question more [suitable] for a Physician to resolve

The famous case De libellis famosus in 5th Coke p. 125, 126, from whence his Honour has taken what he says concerning Libeling, was founded upon some verses that

⁹ Printed by William Bradford, folio, pp. 6. Sabin, no. 19340.

¹⁰ *Some Observations on the Charge of Hon. James DeLancey . . .* printed by Zenger, folio, pp. 18. Sabin, no. 19341.

were made upon an Arch Bishop of Canterbury, who was then Dead. This Libel was not in express terms, but by Descriptions & Circumlocutions; & it is said the then present Arch Bishop was traduced, And that great Court came to to Resolutions there mentioned

“1 That every Libel was against a private or a public person

“2 That altho the man be dead at the time of making the Libel, it is punishable *which Doctrine if it be true, without Limitation of time, the Court could construe any History of a bad Prince or bad Great man into a Libel if they pleased*

“3 That the Libel or may be punished by fine or Imprisonment; or, if the Court Judged the Case to be exorbitant, by Pillory & Loss of Ears

“4 That it was not material, whether the Libel were true, or the person against whom it was made of good or evil fame: that it might be published by words, or songs, by signs; nay, that if any body accidentally found one, & did not immediately burn it, or carry it to a Magistrate, he was criminal

I need not observe to the Reader (says the writer) that these Resolutions tho' in the main Law, with proper allowances, & Libelling a practise that ought to be discouraged: yet the 2^d & 4th not only made it dangerous to write Libels, but to write or speak, or so much as whisper against any great or little man, that did do, or had don amiss. They were not only protected in doing ill actions, but from the Infamy that naturally attend them; & even posterity, as far as possible, was to be uninform'd of them: and what greater encouragement could there be for the wicked Instruments of a Prince to do what they pleas'd? And under the notion of correcting malevolent tongues & pens, what greater Engine could there be to enslave the Nation than that Court fortified with such Resolutions? The 4th Resolution of which is contrary to all the Entries before or since that time. All of which are that the person accused did falsly & maliciously say

or write &c so & so Libels are to be punished but every writing, disagreeable to a Magistrate, is not by his Construction to be wrought up into a Libel against the Government: If it is, The Liberty of men will not long survive the Liberty of writing & the Liberty of the Press

The Court of Star Chamber, in which these Resolutions were made, called by the Sycophants & Instruments of the Tyranny Bigotry & arbitrary Power of that Age in which it existed The Bulwark of the English Liberty was the great Engine to enslave the Nation: there was no safety in Writing or Speaking; & by the most strain'd constructions, the most innocent expressions were made Libeling, & punished with the utmost Cruelty & Barbarity. That Court grew to be a general Grievance & tho (with much ado) abolished by Act of Parliament in Charles the 1st yet the Severities used in it did not a litle contribute to the Distruction of that unhappy Prince & the Haughty Prelate very Instrumental in them And notwithstanding the power was lodged in the Kings Bench to punish Libeling, yet in the Reigns of Charles the 2^d & his brother James the same Design of Enslaving the Nation revived, writing disagreeable Truths was strain'd into Libels, & some of them made Treason: Excessive Fines & Sanguinary Cruelties paved the way for the Abdication of King James & the Glorious Revolution

Before these observations In the Chief Justices Charge could appear or perhaps were made the Judge perceiv'd the litle effect it had upon the Grand Jury for they made no presentment of any person or paper that the Charge pointed at And the Judge might easily conceiv'd that as the Administrations was very generally disliked & for that reason the papers were as generally approved of it would not be easy to find a Grand Jury in New York to find an Indictment upon them It is certain this charge was too particularly pointing & show'd more of Warmth of Young than of Discretion which is seldom or never acquired but by Experience in a course of publick affairs for some years. Young men vested with

power seldom consider that authority over peoples minds is not acquired by their Commission but by the Opinion the People have of their Skill Judgement & Integrity The Grand Jury however made the Chief Justice the Complement to desire him to print his charges

Most of that Grand Jury were dissatisfied with the present administration & favourers of Zengers Papers & their joining with the others in desiring the Chief Justice to print his charge was with a view to have it exposed On the 15th of October 1714 [*sic for 1734*] The Chief Justice De Lancey again charged the Grand Jury to enquire into Libels & mentioned two Scurrilous songs ¹¹ handed about in this charge he avoided many of the Exceptions taken to his last & tho' they again desir'd him to print his charge they made no presentment

On the 17th of Oct^r The Gov^r laid several of Zengers Journals & two Ballads before the Council upon which a Conference was desired with the Assembly at which the Gentⁿ of the Council desir'd the Assembly to concur with them that Zengers papers N^o 7, 47, 48 49 be burnt by the hands of the common hangman as containing in them many things derogatory of the Dignity of his Majesties Government, reflecting upon the Legislature & most considerable persons in the most distinguished stations in the Province & tending to raise Seditions & Tumults among the People thereof

To concur in addressing the Gov^r to issue his Proclamation with a promise of reward for the Discovery of the Authors or Writers of these seditious Libels & in an order for prosecuting the Printer & in an order to the Magistrates to exert themselves in preserving the publick peace of the province after debate upon this request the assembly refused their concurrence by ordering *that the said papers & request lye on the table*

On the 2^d of Nov^r the Council ordered the Mayor & aldermen of the City of New York to attend the burn-

¹¹ "A Song made upon the Election of new Magistrates for this City," and "A Song made upon the foregoing Occasion," printed by Zenger on a broadside. They are reproduced in Livingston Rutherford's *John Peter Zenger*, facing page 38.

ing of these papers by the common hangman or whipper which they refused to do & refus'd to give any order to the Whipper to burn them Upon which the Sheriff made his own Negro do it

One might think after such aversion to this prosecution appear'd from all sorts of people that it would have been thought prudent to have desisted from farther proceeding but the Violent resentment of many in the administration who had been exposed in Zengers papers together with the advantage they thought of gaining by his papers being found Libels by a Jury blinded their eyes that they did not see what any man of common understanding would here seen & did see

In hopes still of succeeding in a prosecution at Law The council order'd the Sheriff to apprehend Zenger & commit him to Jail for printing & publishing several Seditious Libels dispersed throughout his Journals & accordingly was taken on a Sunday & committed to Jail where he was for some time denied the use of Pen Ink or Paper or Liberty of Speech with any person Zenger brought his habeas Corpus in order to be bail'd on which there was a publick hearing in the Court house at which time the Chief Justice show'd more Warmth & Want of Prudence than seem'd consistent with his office which gave his Ennemies an advantage for in the Argument Zengers Council saying they hop'd their Client would not be found Guilty of the Crimes laid to his Charge the Chief Justice answer'd *That if a Jury found Zenger not guilty they would be perjured* As by Law Zenger might certainly be bail'd the Chief Justice allow'd he might but at the same time set the Bail so high that he could not obtain that Bail viz Himself in £400 & two securities each in £200 Zengers Council insisted that the Bail ought to be proportioned to the persons estate who is to give Bail & in order that the Judge might be inform'd of it Zenger made oath that his debts being paid he was not worth £40 pounds the tools of his Trade & wearing apparel excepted Now they insisted that it was not reasonable to demand greater bail than his Estate

could countersecure & cited Hawkins who says that Justices must take care that under pretence of demanding sufficient Security they do not make so excessive a demand as in effect amounts to a denial of Bail for this is lookt on as a great grievance & is complain'd of as such by the 1 of W & M Sess 2^d & they further urged that the 7 Bishops upon an Information for the lik Crime The Arch Bishop was admitted to Bail on his own Recognizance in £200 & the other 6 in £100 each

As Zenger could not find the Bail demanded he was remitted to prison where he remain'd. His prosecutors intertain'd hopes that a Grand Jury at the next term which was in January would have found a Bill against him but notwithstanding that the Sheriff was at the Devotion of the Gov^r &c a Grand Jury could not be found that would indite Zenger whereupon the Attorney Gen^l the last day of the term filed an Information against him

To this James Alexander Esq one of his Majesties Council for this Province & William Smith appear'd as Council for Zenger & offer'd the following Exceptions to the Judges Commissions viz See Zengers Tryal¹²

M^r Alexander offer'd these Exceptions to the Court on the 15th of April & pray'd they might be filed The Chief Justice told them they ought well to consider the consequences of what they offer'd To which they answer'd they had well consider'd all the Consequences & M^r Smith added that he was so well Satisfied of the Right of the Subject to take an Exception to the Commission of a Judge if he thought such a Commission illegal that he durst Venture his life upon that point & that he was ready to argue the point & likewise the Validity of the Exceptions To which the Chief Justice replied He would consider the Exceptions in the morning

Next day M^r Smith asked the Judges whether they

¹² A brief Narrative of the Case and Tryal of John Peter Zenger, Printer of the New-York weekly Journal (N. Y., 1736, and subsequent editions). See also Livingston Rutherford's *John Peter Zenger His Press, His Trial and A Bibliography of Zenger Imprints* (N. Y., 1904), in which the first edition of the *Trial* is reprinted, and in which there is a bibliography of succeeding editions of the *Trial*.

would hear him upon these two points. 1st that the Subject has a Right to take such Exceptions if they Judged the Commission illegal 2^{dly} that the Exceptions tender'd were legal & valid To which the Chief Justice said they would neither hear nor allow the Exceptions for (said he) you thought to have gain'd a great deal of applause & popularity by opposing this Court as you did the Court of Exchequer but you have brought it to that point that *either we must go from the Bench or you from the Bar* (No good argument certainly against the force of the Exceptions but rather a strong one that the Judge himself thought them unanswerable) Therefore (continued he) we exclude you & M^r Alexander from the Bar & order'd the following entry to be made See the Trial

After the order of the Court was read M^r Alexander ask'd whether it was the order of M^r Justice Philips as well as of the Chief Justice To which both answer'd that it was their order Upon which M^r Alexander added that it was proper to ask that Question that they might know how to have their relief. He further observ'd to the Court upon reading of the order that they were mistaken in their wording of it because their Exceptions were only to their Commiss^{ns} & not to the being of the Court as is therein alledged & pray'd that the order might be alter'd accordingly The Chief Justice said he conceiv'd the Exceptions were against the being of the Court M^r Alexander & M^r Smith denied that they were & desir'd the Chief Justice to point out the place where such Exception was & added that the Court might well exist tho' the Commissions of all the Judges were void which the Chief Justice allow'd to be true but refused to alter the order

Zengers Council being thus silenced M^r Chambers¹³ was by the Court assign'd Council for Zenger & upon M^r Chambers Motion the 4th of August was appointed for his trial & on the 29th of July the Court granted a Struck

¹³ John Chambers.

Jury When Zengers friends in order to strike the Jury as usual from the Freeholders book the Clerk produced a list of 48 persons of his own choosing & tho' they excepted that many of them were not freeholders others the Gov^{rs} Baker Taylor Shoemaker &c & that of all they had just exceptions to & that as to the few unexceptionable persons they were inform'd the Attorney Gen^l ¹⁴ had a list of them to strike them out as it seems he may do without giving reasons so that there would not of the 48 remain a Jury The Clerk refused any other list but what he offer'd. Next morning upon M^r Chambers Complt of this to the Court The Jury was order'd to be Struck from the Freeholders book as usual & a Jury was accordingly Struck But in the return of this Jury the Sheriff had alterd the order of their names so that some who had been struck first were put down last This being done with design for the first 12 appearing & no objection to them are of course sworn of the Jury Upon complaint of this trick the Court order'd their names to be ranged as they were Struck & the Jury was sworn

Then the Attorney Gen^l proceeded & the Information being read in which the Following words in Zengers papers were charged to be false Malicious Scandalous Libel viz See trial

M^r Chambers was going on to put the Attorney upon the proof But after M^r Chambers had done Speaking M^r Hamilton of Philadelphia who was on purpose sent for after M^r Alexander & M^r Smith had been silenced rose up & said tho I am perfectly of Opinion with the Gentⁿ who has just now spoke on the same side with me as to the common course of proceedings I mean in putting M^r Attorney upon proving that my Client printed & published these papers mentioned in the Information Yet I cannot think it proper for me (without doing Violence to my own Principles) to deny the publication of a complaint, which I think it is the right of every free born subject to make, when the matters so published can

¹⁴ Richard Bradley.

be supported with Truth & I do for my Client confess that he both printed & published the two papers set forth in the Information & I hope in so doing he has committed no Crime

Mr Attorney observ'd upon the Excellency & well as use of Gov^t &c (See trial) according to this Doctrine perhaps few of the Jurors or auditors had not been guilty at least of publishing the Libels Zenger was charged with or of speaking & saying worse things than what was contain'd in those papers Mr Hamilton Answer'd I agree with Mr Attorney that Gov^t is a Sacred thing but I differ very widely from him when he would insinuate that the just complaints of a number of men who suffer under a bad administration is libeling that administration Had I believ'd that to be Law I should not have given the Court the trouble of hearing any thing I could say in this Cause As Mr Attorney has just now said That this Prosecution was directed by the Gov^r & Council & from the extraordinary appearance of people of all conditions which I observe in Court on this Occasion I have reason to think that those in the Administraⁿ have in this prosecution something more in view & that the people believe they have a good deal more at stake than I apprehended And Therefore it is become my Duty to be both plain & particular in this cause

I was in hopes as that terrible Court where those dreadful Judgements were & that Law established which Mr Attorney has produced for Authority to support his cause was long ago laid aside as the most dangerous court to the Liberties of the people of England that ever was known in that Kingdom that Mr Attorney knowing this would not have attempted to set up a Star Chamber here, nor to make their Judgements a precedent to us (for certainly if another Court might Carefully follow those precedents the Abolishing the Star Chamber was to little purpose) It is well known that what would have been judged Treason in those days for a man to speak I think has since not only been practised as lawfull but the contrary doctrine has been held to be Law.

In *Brewsters* case for printing that *the subjects might defend their Rights & Liberties by Arms in case the King should go about to destroy them* he was told by the Chief Justice that it was a great Mercy he was not proceeded against for his life for that to say the King could be resisted by Arms in any case whatsoever was express Treason And yet we see since that time D^r Sacheverel was sentenced in the highest Court in Great Britain for saying *That such a resistance was not lawfull* As times have made great changes in the Law of England so places with good reason do so too

Is it not surprising to see a Subject upon his receiving a Comission from the King to be a Governor of a Colony in America immediately imagining himself to be vested with all the Prerogatives belonging to the Sacred person of his Prince And which is yet more astonishing to see that a people can be so Wild as to allow of & acknowledge those Prerogatives & Exemptions even to their own Distruction Is not this making very free with our Prince to apply that Regard Obedience & Allegiance to a Subject which is due only to our Sovereign And yet in all the cases which M^r Attorney has cited to show the Duty & Obedience we owe to the Supreme Magistrat the King is there meant & understood tho' M^r Attorney is pleased to urge them as Authorities to prove the Heinousness of M^r Zengers offence ag^t the Gov^r of New York

M^r Attorney urging that it may be a Libel notwithstanding that it may be true M^r Hamilton answer'd We are charged with printing & publishing a certain *false Malicious & Scandalous Libel* This word *False* must have some meaning & I am of opinion that his Information would not be good without it Put the case his Information had been for publishing a certain *true* Libel would it be the same thing or could such an Information be supported in Law No the falshood makes the Scandal & both make the Libel We will take the Onus probandi upon ourselves & prove those very papers that are called Libels to be *true*

The Chief Justice interposed & said You cannot be admitted to give the Truth of a Libel in Evidence A Libel is not to be justified for it is nevertheless a libel that it is true To which Mr Hamilton replied I am sorry the Court has so soon resolv'd upon that piece of Law I expected first to have been heard to that point The Chief Justice added thereupon The Law is clear that you cannot Justify a Libel To which Mr Hamilton answer'd I own that to be so but with Submission I understand the Word *Justify* to be a Justification by a Plea as it is upon an Indictment for Murder or an Assault & Battery there the Prisoner cannot Justify but plead *Not Guilty* Yet it will not be denied but he may & allways is admitted to give the truth of the Fact or any other matter in Evidence which goes to his acquital The Chief Justice then said Pray show that you can give the truth of a Libel in Evidence Mr Hamilton then observ'd that it is against common sense that a man should be punished in the same degree for a true Libel (if any such thing there could be) as for a false one It is said that Truth makes the Libel more provoking & therefore the offence is the greater & consequently the Judgement should be heavier. Well suppose it were so & let us agree for once that Truth is a greater Sin than Falshood Yet as the offences are not equal & as the Punishment is arbitrary that is according as the Judges in their Discretion shall direct to be inflicted is it not absolutely necessary that they should know whether the Libel be true or false that they by that means may be able to proportion the punishment. For would it not be a sad case if the Judges for want of due Information should chance to give as severe a Judgement against a man for writing or publishing a Lie as for writing or publishing a Truth And yet this (with Submission) as monstrous & ridiculous as it may seem to be is the Natural consequence of Mr Attorney's Doctrine That Truth makes a Worse Libel than falshood Then he proceeded to show several

cases the falsehood of the Libel was supposed to be prov'd or that the Truth of it could not be proved The most remarkable of which was Fullers case in State Trials Wherein after the Chief Justice Holt had several times call'd to the Prisoner to produce his Witnesses to prove the Truth of what he had wrote Chief Justice Holt laid it down as a Rule in these cases *That he who will take upon him to write such things it lies upon him to prove them at his Peril* & according to this Rule (says M^r Hamilton) with leave of the Court we are ready to prove what we have printed & published to be true at our Peril

M^r Attorney being call'd to say what he had in answer to the authorities brought by M^r Hamiltone he only referr'd to what he had said before

Upon which The Chief Justice said The Court is of Opinion You ought not to be permitted to prove the Facts in the papers These are the Words of the book *It is far from being a Justification of a Libel that the contents thereof are true or that the person upon whom it is made had a bad reputation since the greater appearance there is of Truth in any Malicious invective so much the more provoking it is.* To which M^r Hamilton answerd These are Star Chamber cases & I was in hopes that practise was Dead with the Court Upon which the Chief Justice said The Court have deliver'd their Opinion & we expect you will use us with good Manners You are not to be permitted to Argue against the Opinion of The Court

Then M^r Hamilton applying himself to the Jury said Gentⁿ of the Jury It is to you we must now appeal for witnesses to the truth of the Fact we have offer'd & are denied the Liberty to prove I will beg leave to lay it down as a Standing Rule *That the Suppressing of Evidence ought allways to be taken for the Strongest Evidence* & I hope it will have that weight with you I will endeavour to shorten the Dispute with M^r Attorney & to that end I desire he would favour us with some Standard Definition of a Libel by which it

may be certainly known whether a Writing be a Libel Yea or not for Answer to which The Attorney read from Hawkins Ch. 73 the following words (See Trial p. 26)

Ay answers M^r Hamilton But what certain Standard Rule have the books laid down by which we can certainly know whether the Words or the Signs are Malicious Whether they are Defamatory Whether they tend to a breach of the peace or are a Sufficient ground to provoke a man his family or friends to Acts of Revenge It is plain from the Books the Words are Scandalous &c only as they are Understood. To which the Chief Justice consenting that all words are Libellous or not as they are understood M^r Hamilton replied I thank your Honour I am glad to find the Court of this Opinion Then it follows that those twelve men must understand the words in the Information to be Scandalous that is to say false & when they understand the words to be so they will say we are guilty of publishing a false Libel & not otherwise. No said the Chief Justice The Jury may find that Zenger printed & published those papers & leave it to the Court to Judge whether they are libellous

I know replied M^r Hamilton the Jury may do so but I do likewise know they may do otherwise I know they have the Right beyond all Dispute to determine both the Law & the Fact & where they do not doubt of the Law they ought to do so This of leaving it to the Judgement of the Court whether the Words are Libellous or not in effect renders Juries useless (to say no worse) in many cases. But I will now proceed to examin the inconveniencies that must inevitably arise from the Doctrine M^r Attorney has laid down For tho I own it to be base & unworthy to Scandalize any man and I think it is even Vilanous to Scandalize a person of publick Character & I will even agree that if the Faults Mistakes nay even the Vices of such a person be private & personal & don't affect the Peace of the Publick or the Liberty or Property of our Neighbour it is unmanly &

unmannerly to expose them either by word or writing But when a Ruler of a People brings his personal failings but much more his Vices into his administration & the People find them affected by them either in their Liberties or Properties that will alter the Case mightily & all the high things that are said in favour of Rulers & of Dignities & upon the side of power will not be able to stop peoples Mouths when they feel themselves oppressed, I mean in a free government. It is true in times past it was a Crime to Speak Truth & in that terrible Court of Star Chamber many worthy & brave men suffered for so doing and yet even in that Court & in those bad times a great & good man durst say what I hope will not be taken amiss of me to say in this place to wit *The Practice of Information for Libels is a sword in the hands of a Wicked King & an arrand [coward] to cut down & destroy the innocent; the one cannot because of his high station & the other dares not because of his Want of Courage revenge himself in another way* Men in power are harder to come at for wrongs they do either to a private person or to the publick especially a Governor in the Plantations where they insist upon an exemption from answering complaints of any kind in their own Govern^t We are indeed told & it is true they are obliged to answer a suit in the Kings Courts at Westminster for a wrong done to any person here But do we not know how impracticable this is to most men among us to leave their families (who depend upon their labour & care for their livelyhood) & carry evidences to Brittain & at a great nay a far greater expence than allmost any of us are able to bear But when the Oppression is general there is even no remedy that way no, our Constitution has given us (blessed be God) an opportunity if not to have such wrongs redressed yet by our prudence & resolution we may in a great measure prevent the committing of such wrongs by makeing a Governor sensible that it is his Interest to be just to those under his care for such is the sense that men in general I mean freemen have of common Justice that

when they come to know that a Chief Magistrate abuses the Power with which he is trusted for the good of the People & is attempting to turn that very power against the Innocent whether of high or low degree I say Mankind in General seldom fail to interpose & as far as they can prevent the Destruction of their fellow subjects And has it often been seen (& I hope it will allways be seen) that when the Representatives of a free people are by just representations or remonstrances made sensible of the sufferings of their fellow subjects by the abuse of power in the hands of a Governor they have declared (& loudly too) that they were not obliged by any Law to Support a Governor who goes about to destroy a Province or Colony which by his Majesty he was appointed & by the Law he is bound to protect & incourage But I pray it may be consider'd of what use is this mighty Privilege if every Man that suffers must be silent And if a Man must be taken up as Libeller for telling his sufferings to his Neighbour I know it may be answer'd Have you not a Legislature Have you not a house of Representatives to whom you may complain How is he to be remedied if the case were as I have known it to have happen'd in America That a Governor who has places (I will not say Pensions for I believe they seldom give that to another which they can keep to themselves) to bestow & can or will keep the same [assembly] (after he has modelled them so as to get a Majority of the House in his Interest) for near twice seven years together Pray what Redress is to be expected for an honest man who makes his complaint ag^t a Governor to an assembly who may properly enough be said to be made by the same Gov^r against whom the Complaint is made The thing answers itself. No, it is natural, it is a Privilege, I will go farther, it is a Right which all Freeman claim, & are entitled to complain when they are hurt; they have a Right publickly to remonstrate the abuses of Power in the Strongest Terms, to put their Neighbours upon their Guard against the Craft or open Violence of men in Authority & to assert

with courage the sense they have of the Blessings of Liberty, the Value they put upon it, & their Resolution at all hazards to preserve it. As we all very well understand the true reason why Gentⁿ take so much pains & make such great Interest to be appointed Governors, so is the Design of their appointment not less manifest. We know his Majesties gracious Intentions to his Subjects He desires no more than that his people in the Plantations be kept up to their Duty Peace preserv'd Justice Impartially administer'd & encouraged in raising such Commodities as may be usefull to their Mother Country But will any man say that all or any of these good Ends are to be effected by a Governors setting his People together by the ears & by assistance of one part of the People to plague & plunder the other The Commission which Governors bear while they execute the powers given them according to the Intention of the royal granter requires & deserves very great Reverence & Submission but when a Gov^r departs from the Duty enjoin'd him by his Sovereign & acts as if he were less accountable than the Royal hand that gave him all that power & honour which he is possessed of this sets people upon examining & enquiring into the power Authority & Duty of Such a Magistrate & to compare those with his Conduct & just as far as they find he exceeds the Bounds of his Authority or falls short in doing Impartial Justice to the People under his Administration, so far they very often, in return come short in their Duty to such a Gov^r. For Power alone will not make a man beloved & I have heard it observ'd That the man who was neither good nor wise before his being made a Gov^r never mended upon his preferment but generally been observ'd to be worse: For men who are not indued with Wisdom & Virtue, can only be kept in bounds by the Law; & by how much further they think themselves out of the reach of the Law by so much the more wicked & cruel Such men are Truth ought to Govern the whole affair of Libels & yet the party accused runs risque enough even then for if he fails in proving every title

of what he has wrote & to the Satisfaction of the Court & Jury too he may find to his Cost that when the prosecution is set on foot by men in power it seldom wants friends to favour it

I cannot think it unwarrantable to show the unhappy Influence a Sovereign has sometimes had not only upon Judges but upon Parliaments themselves. He then proceeded to give several Instances of such Judgements some of which were looked upon as cruel & Detestable & were therefore reversed in Parliament & S^r Edward Atkins speaking of the Judgements in favour of the Kings Dispensing Power says *The Pope was the first Inventor of it; our Kings have borrowed it from them & the Judges have from time to time nursed & dressed it up & given it Countenance; & it is still upon the Growth & encroaching till it has almost subverted all Law & made the Regal Power almost absolute if not Dissolute* Are the Words with which we are charged like these Do M^r Zengers papers contain any such freedoms with the Governor or the Council as S^r Edward Atkins has with the Regal Powers & Judges in England And yet I never heard of any Information brought against him for these freedoms

Then he mention'd 2 Statutes in the Reign of Henry the 7th procured under the plausible pretence of repressing several Enormities Power was given to some great Ministers of State & to Judges & Justices to hear & punish several Crimes according to their own Discretion that is without a Jury & inflicting such punishment as in their Discretion they think adequate to the Crime To these two may be added the Statute in Henry 8th by which his Proclamations were to have the effect of Laws Upon these occasions it may be justly said that under plausible pretences of preventing Sedition & other Enormities the People of England were cheated or aw'd into the Delivering up their Ancient & Sacred Right of Tryals by Grand & Petty Juries

If a Libel be understood in the large & unlimited Sense urged by M^r Attorney there is scarce a writing I

know that may not be called a Libel or Scarce any person safe from being called to an account as a Libeller For Moses meek as he was libelled Cain & who is it that has not libelled the Devil For according to M^r Atturney it is no Justification to say one has a bad name Eacherd has libelled our good K William Burnet has libelled among many others K Charles & K James Rapin has libelled them all How must a man speak or write or what must he hear read or sing or when must he laugh so as to be secure not to be taken up as a Libeller? I sincerely believe that were some persons to go through the Streets of New York now a days & read a part of the Bible, if it was not known to be such M^r Atturney with the help of his Innuendos would easily turn it into a Libel As for Instance The 9th Chap of Isaiah the 16th verse *The leaders of the People cause them to err & they that are led by them are destroyed* But should M^r Atturney go about to make this a Libel he would read it thus The Leaders of the people (innuendo the Gov^r & Council of New York) cause them (innuendo the People of this Province) to err & they (the people of this Province meaning) that are led by them (the Gov^r & Council meaning) are destroy'd (innuendo are deceiv'd into the loss of their Liberty) which is the worst kind of Destruction Or if some person should publicly repeat in a manner not pleasing to his Betters The 10th & 11th verses of the 56 Chap of the same book there M^r Atturney would have a large field to display his skill in the artfull application of his Innuendos The words are *His Watchmen are blind they are ignorant &c. Yea they are greedy Dogs that can never have enough* But to make them a Libel there is according to M^r Atturney's Doctrine no more wanting but the aid of his skill in right adapting his Innuendos As for Instance His Watchmen (innuendo the Council & Assembly) are blind they are Ignorant (innuendo will not see the Designs of his Excellency) Yea they (the Governor & Council meaning) are greedy Dogs which can never have enough

(innuendo enough of Riches & Power) Such an Instance as this seems only fit to be laughd at but I may appeal to M^r Attorney himself whether these are not at least equally proper to be applied to his Excellency & his Ministers, as some of the Inferences & Innuendos in his Information against my Client

It is certain here M^r Hamiltone took great Liberty but the applause with which it was receiv'd by the numerous auditors & the Approbation they gave it by their Countenances made the Court think proper to pass it over without Notice But to return to M^r Hamilton's Harangue

Gentlemen continues he The Danger is great in proportion to the Mischief which may happen through our too great Credulity. A proper confidence in a Court is commendable; but as the Verdict (what ever it is) will be yours you ought to referr no part of your Duty to the Discretion of other persons If you shall be of Opinion that there is no falshood in M^r Zengers Papers you will nay (pardon me for the Expression) you ought to say so because you don't know whether others (I mean the Court) may be of that Opinion It is your Right to do so & there is much depending upon your Resolution as well as upon your Integrity

Power may justly be compared to a great River while kept within its due bounds is both bewtifull & usefull but when it overflows its banks it is then too Impetuous to be stemmed it bears down all before it & brings Destruction & Desolation wherever it comes If then this is the nature of Power let us at least do our Duty & like wise men (who value freedom) use our outmost care to support Liberty the only Bulwark against lawless power which in all ages has sacrificed to its wild Lust & boundless ambition the blood of the best men that ever lived

I hope to be pardon'd S^r for my Zeal on this occasion It is an old & wise caution *That when our Neighbours house is on fire we ought to take care of our own* For tho blessed be God I live in a Govern^t where

Liberty is well understood & freely enjoy'd Yet experience has shown us all (I'm sure it has to me) that a bad precedent in one Govern^t is soon set up for an authority in an other & therefore I cannot but think it mine & every honest mans Duty that while we pay all due obedience to men in Authority we ought at the same time to be upon our Guard against Power wherever we apprehend that it may affect ourselves or our fellow subjects

I am truly very unequal to such an undertaking on many accounts and you see I labour under the weight of many years & am born down with great infirmities of body Yet old & weak as I am I should think it my Duty if required to go to the utmost part of the Land where my service could be of any use to assist in quenching the flame of prosecutions by Information set on foot by the Governm^t to deprive a people of the Right of Remonstrating (& complaining too) of the arbitrary attempts of men in Power. Men who injure & oppress the People, provoke them to cry out & complain & then make that very complaint the Foundation for New oppressions & Prosecutions. I wish I could say there are no Instances of this kind. But to conclude The Question before the Court & you Gentⁿ of the Jury is not of small or private concern it is not the cause of a poor printer nor of New York alone which you are now trying No! it may in its consequence affect every freeman that lives under a British Govn^t on the main of America It is the best cause It is the Cause of Liberty & I make no doubt but your upright conduct this day will not only entitle you to the Love & Esteem of your Fellow Citizens but every man who prefers Freedom to a life of Slavery will bless & honour you as men who have baffled the Attempt of Tyranny & by an impartial & uncorrupt Verdict have laid a noble foundation for securing to ourselves our Posterity & our Neighbours that to which Nature & the Laws of ou[r] Country have given us a Right The Liberty both of exposing & opposing arbitrary power (in these parts of the World at least) by speaking & writing Truth

Then M^r Attorney spoke but added nothing Material to what he had formerly said

The Chief Justice Charged the Jury as follows
See Trial

The Jury withdrew a very litle while & brought in their Verdict Not Guilty upon the pronouncing of which the numerous audience expressed their joy in three loud Huzzas & scarcely one person except the officers of the Court were observ'd not to join in this noisy exclamation

In the September following the Corporation of New York presented M^r Hamiltone with his Freedom in a gold box of 5 ounces & a half for *his learned & generous defence of the Rights of Mankind & the Liberty of the Press in the case of John Peter Zenger &c*

Upon the Lid of the Box was engravd the Arms of New York with this Motto

Demersæ leges, timefacta Libertas Hæc tandem emergunt

on the Inside

Non nummis Virtute paratur & on the Rimb of the box

Ita cuique eveniat ut de Republica meruit

Now the Gentⁿ in the administration were convinced of their error in hoping to find a Jury to find Zenger Guilty contrary to the general bent of the People And the Method they hoped to clear themselves of what was laid to their charge in Zengers papers served only to confirm the Opinion of the Truth of them The silencing his Lawyers prov'd likewise to their prejudice for if they had not been silenced it is probable M^r Hamiltone had not been employed & they durst not have taken the freedom he did nor would they've been so much minded by the Jury & auditors because he was look'd upon as a more indifferent person & had gain'd an Esteem of many years standing for his Skill in the Law

As to the Merits of the Cause it seems probable that falsehood in all cases is not necessary to make a Libel but Malice is & falshood is a sure proof of the Malice.

M^r Hamilton seems to own that if Malice appear tho accompanied with truth it is criminal when people publish the private faults & failings of men in power which do not affect the publick As to the exposing the publick faults or Crimes of publick officers certainly there can be no fault or Crime in doing it in a Republick where the People are the Supreme Judges & as the Constitution of England has a considerable share of the Democracy in its composition our Constitution allows of considerable Latitude for Complaints of this nature & of Appeals to the People for which reason the people of Gr Britain have allways been very Jealous & their Parliaments very Tender of the Liberty of the Press

During the Sessions of Assembly held in the Fall of the year 1735 M^r Alexander & M^r Smith made Compl^t to the Assembly of their being Silenced by the Judges of the Supreme Court which they introduced to the Committee of Grievances in the following words It is with the Utmost regret that we attend this Committee in the Quality of Complainants but the matter of it too nearly affects us & the Liberties of this Country to be buried in Silence. Had our personal Interests been solely concern'd we might have rested in a patient expectation of a personal remedy in some other way But when the Liberties of a Country are at Stake & the civil enjoyments of a people sap'd at the very Foundation of them it behoves every man that loves his Country to cry out & give publick Warning of the Danger Then they proceeded to give a Narrative of the proceeding of the Court ag^t them in the case of Zenger the printer which I have allready done Then they proceeded to show from several books & cases the right the subject had to take exceptions & gave Instances of such Exceptions taken in the Kings Bench & to the Jurisdiction of the House of Lords

They gave Instances where such a plea was refus'd but at the same time observ'd it had only been when arbitrary power was design'd to be introduced as in 1686 when Jeffrys refus'd to hear Exceptions to the Jurisdic-

tion of the High Commission but even in that case the Council that advis'd & sign'd the Exceptions were not so much as blamed by the Court

Now as it is fully prov'd to be by Law the Right of the Subject to take Exception either to the Jurisdiction of the Court or the Commission of a Judge it is inconsistent with the *Great Charter* to deny it him which all the Judges are or ought to be sworn to observe And how can it consistent with either reason Law or common sense be termed a *Contempt* to claim that Right They next observ'd that the Suggestion in the Judges order *That the Exception deny's the Being of the Supreme Court* is all together without truth & groundless

Again in the next place we would humbly ask whether any thing can be more Arbitrary than these Gent^{ns} pretending to make the Notification of their Displeasure to be the Rule of our Conduct. Is not or rather ought not the Law to be the only Rule of their & our Duty What can be more astonishing in a free Country than for Judges in the seat of Justice executing the most sacred trust that is delegated by mankind who in the Execution of their offices ought to be of all motives either from Pleasure or Displeasure Favour or Fear Who cannot suffer the least mixture of these to sway their Judgements or influence their Determinations without Violation of their Oath & sacred Trust for men under such solemn obligations to do right to every man accord[ing] to Law for such men to make either their Pleasure or Displeasure the Rule of their Conduct To own it without blushing! Nay, to record it in the Supream Court of this Province as the reason of so severe a sentence! It seems to us so shocking as to leave no room for an apology.

In this point our Judges have acted beyond example (ev'n of the worst Judges in the worst times) & have done perhaps what no Judge of Common Law ever ventur'd to do before.

Thus the Right & Liberty of the Subject in one of its most essential articles is broke in upon & that Remedy which by the Law is in every mans power against an il-

legal authority, entirely taken away. For if a Commission issue to try my life or take away my Estate not according to the Law of the land but by the Discretion or Will of my Judges & I may not except to that Commission & show it to be unlawful what security can I have of a Tryal by a Jury & the Law of the Land Many such Commiss^{ns} as these have issued in times past which have produced much ruin & confusion in the English nation. What has been may be & in all probability will be if the example of our Judges be drawn into consequence And if such a Commissⁿ should issue what security has the subject of not being utterly ruined by it if he may not be allow'd his Exception And if he cannot take such Exception but by the help of a Lawyer & his Lawyer cannot defend him but with the Loss of his livelihood & the Ruin of his Family & what Lawyer will be induced to help when he knows that the very attempt to serve his Client will have no other effect than his own ruin If the best Commissⁿ upon earth is not to be disputed & Lawyers must be silenced for daring to attempt it then the very worst Commissⁿ in the World may soon be obtruded upon a people For if it be a Crime to except to a good Commissⁿ & so grievous a penalty annexed to the doing of it who will dare to except to a bad one when no man can know but the Judge may declare the most illegal Commissⁿ to be good Such were the High Commiss^{ns} granted by K James in 1686 & were afterwards by Parliament declared to be illegal & yet Chancellor Jeffrys & the other High Commissioners the Instruments of arbitrary power in that day had the Front to declare We will neither hear you nor your Council in the Matter We are sufficiently satisfied of the Legality of our Commiss^{ns} otherwise we should not be such fools to sit here And they barefacedly gave their Masters & their own *Displeasure* as reasons for their Determinations. When things come to that pass then all protection from the Law ceases & no remedy against the greatest Injustice & oppression is left but that which is natural & which then was taken.

The unalienable Righ[t] of the People to defend themselves against their Destroyers

Tho' it is the undoubted Right of every Englishman to call into Question the Commission of his Judge yet it is a Maxim in our Law *That any man may renounce* (if he pleases) *a Matter of Law in his favour* Tis upon this Distinction that our past Conduct in respect of our different Clients has been diversified. In the Supream Court we never an Exception but in one case before & that was in the case of M^r Van Dam who excepted to the power of the Judges to proceed according to a course of Equity. We advised it then because we thought it necessary for his safety & the good of the Country. We advised Zengers exception for the like reason but we have allways omitted it where we saw our Clients safety did not require it. M^r Van Dams exception would not be of any service to M^r Zenger nor will Zengers be of any service to one that shall hereafter be prosecuted in the same manner unless such person will take such Exception in his own particular case. We ever thought it lawfull for any of our Clients to bring the Judges Commiss^{ns} to the Touchstone of the Law But we never thought it so necessary as in this case. We conceiv'd the Innocency of our Client no sufficient Security while we esteem'd the Governor his prosecutor who had his Judges in his power. We had too much reason for Caution from the Conduct of the Chief Justice We had heard how his honour had vented his Displeasure when he accidentally met him (Zenger) in the Street on a Sunday before his arrest We had been near Witnesses to sundry Warm Charges & moving addresses to several Grand Juries to procure his Cuntry to indict Zenger We saw his name among the Committee of Council that were active ag^t him & in the order to burn his papers by the common Hangman We had seen his want of Moderation in demanding Security in 800 pounds for his Bail when the Habeas Corpus Act requires that it be taken according to the Quality of the Prisoner & the nature of the Offence & tho' the poor man had made oath that he was not

worth 40 pounds besides the Tools of his Trade & apparel We had heard the Chief Justice declare in the fullest Court we had ever seen in the place That if a Jury found Zenger Not Guilty they would be perjured Surly under these many forewarnings we ought to do every thing that was lawfull & likely to contribute to his Safety. For had the Exception been allow'd the Dependence of the Judges on the Gov^r (which we thought Dangerous to our Client would have been in some measure remov'd & the Judges have stood more indifferent between the parties Had it been over ruled Yet we had reason to think that it might have proved some check to an exorbitant Stretch of power because that if in the Dernier Resort the Commission had been Judged illegal any abuse offer'd after Exception taken might have render'd the Judges not only civilly but criminally answerable for their Conduct

The Assembly were moved with the force of these Arguments & the Cro[wd] of people that attended them but as the Judges had many friends in the house they had the Dexterity to put off the Inquiry & Question by an order to the two Lawyers to give the Judges a copy upon Oath of all they had said in the Committee against the[m] which they accordingly did in Pri[nt] tho' the Copies were never dispers[ed] but before this could be done the Sessions were at an end.

When Zenger the Printer was taken up by Warrant of Council the Leaders of the party against the Governor & who had been the principal writers in the papers were exceedingly alarmed They Knew how much the Governor & the Judges were provoked & exasperated And as the Sheriff who was a Creature of the Governor has the Summoning of the Jury & consequently the picking of men fit for the purpose they were apprehensive of some extraordinary stretch of Power It was concluded then that M^r Morris the late Chief Justice should immediately set out for England to make complaint at his Majesties Court of the Proceedings of the Governor which he did in December

& there were large Contributions made over all parts of the Province for defraying the Expence of his Voyage & at the same time a sort of Credentials sent after him subscribed by numerous hands in order to his obtaining a redress of the Grievances they complained of in Coll Cosby's Administration I cannot say what indeavours he used for redress of the Grievances most generally complain'd off but in his letters he gave strong assurances that Coll Cosby would be recall'd but as to other particulars tho' he wrote long letters they were very indistinct. He continually complain'd of the vast expence he was put to & which I believe was not without reason & pressed for greater remittances It is not now to be known what effect Complaints might have produced to the Governors prejudice because in the mean time he died at New York. M^r Morris had a hearing on his own affair & the Lords of the Council were of Opinion that Coll Cosby's reasons were not sufficient for turning him out but at the same time show'd their Displeasure at his Conduct after he was remov'd in applying to the People & indeavouring to raise disorders in the Government for which reason they declined giving it as their Opinion that he ought to be restored but kept him in hopes of it or of some Equivalent to make up his losses It was suspected however that these promises were made conditionally that he dropt the Complaints intended against the Governor on other Accounts What made this be the more easily believ'd Was because the D of New Castle Principal Secretary of State & the Earl of Halifax were near Relations of the Governors Lady & by their Interest had got the Government & as was said was considerably indebted to them & could not otherwise be paid but by h[is] continueing in the Government. Howev[er] this be M^r Morris by some steps he made after his return'd & thereby confirming the People of his not dealing candidly with them lost their good opinion to as great a degree as ever man did.

In the Winter [blank] Coll Cosby was suddenly seiz'd with a Violent Peri pneumony so that is life was

thought at the Very first attack to be in great danger. This allarm'd all the Governors friends because in case of his Death the administration of Government must by the Constitution of the Province fall into M^r Van Dam's hands against whom the Governors Creatures had don so many acts as had turn'd the whole Country against them As soon as the Governor by frequent bleeding had got so much ease & sense as to be able to speak The Council was call'd where by Virtue of the Powers granted him by his Commission he suspended M^r Van Dam & sent him a Copy of the Suspencion By this M^r Clarke who was next in the list of Councillors obtain'd the Right of Government in case of the Governors Death. He was not acceptable to the People being thought to be M^r Cosby's chief adviser & the People thought M^r Van Dam had manifest Injustice don him & that this New Injury was only occasion'd by his Stout resistance to the Governors Acts of Power.

As soon as Coll Cosby dy'd the Council swore George Clark Esq as President of the Council into the Administration of Governm^t & he had the Kings Commission Instructions & the Seal of the Province deliver'd him whereupon after M^r Van Dam had made a Demand of the Commission & Seal he published a Protest for the following reasons among others

1 Because Coll Cosby was not Compos Mentis when he made the Suspension

2 The Gov^r did not make the same nor order it to be enter'd

3 He had no power to displace any Councillor & notwithstanding of such suspension he remains still a Councillor tho' suspended from Acting & the s^d Gov^{rs} suspension dying with himself being his own proper Act M^r Van Dam remains as before the suspension first of the Council & so expressly within the Words of the Commission which empowers the first Councillor to take the Administration upon him.

I was inform'd by one present that it is true Coll Cosby said only that he thought it for his Majesties Service to suspend M^r Van Dam without saying further But the person who told me being sensible of the Defect askt him & Do you suspend him to which he answered Yes The same person asked him again whether he order'd the suspencion to be enter'd on the Minutes to which he likewise answer'd Yes which I believe was truely the Case But whatever reason M^r Van Dam had for his Protest or Right to the Administration M^r Clark had so much a greater Interest that M^r Van Dam never obtain'd a hearing before the King or his Council

The Assembly stood adjourned at the Death of Coll Cosby to the last Tuesday in March which M^r Clarke by Proclamation as had been usual farther adjourned to the 29th of April At which time several of the Members met M^r Van Dam serv'd each of them with a Copy of his Protest ¹⁵ as he had before that done to each of the Council At the same time he wrote a letter to each of the Assembly setting forth his Right to the Administration & the steps he had taken to obtain it & farther complain'd of M^r Clark's taking upon him to adjourn the Assembly by which means the Assembly was now dissolv'd by the want of a legal adjournment & therefore he could not apply to them as an Assembly without acknowleging the Authority by which they were adjourn'd & added words to terrify them from joining with an illegal Authority This had the effect so far that M^r Clarks friends could not make a House & He was under a necessity of farther adjourning them The Assemblys declining to own M^r Clarks Authority gave great encouragement to M^r Van Dams friends & encreased the numbers that appeard for them so far that the much greatest numbers were of their side. This was chiefly owing to the Love of Justice & Compassion for the Injured natural to Mankind Everybody being perswaded that M^r Van Dam being a Loyal Subject was only set

¹⁵ Printed by Zenger on a folio broadside. Sabin, no. 98436.

aside through resentment & to serve a party. M^r Van Dam was so much encouraged thereby that he resolv'd to assume the Government He summon'd the Council to attend him but none of them obey'd except M^r Alexander who it's said Administer'd the Oaths to him & the time of Nominating the Mayors & Sheriffs for the Citys of New York & Albany being come He named persons to these Offices & issued Commiss^{ns} for them under his private Seal The Seal of the Province being then in M^r Clarks Custody But what greatly encouraged them in these measures was Captⁿ Norris who then had the Station Ship of the Province S^r John Norris's son his taking sides very Warmly with M^r Van Dam He had married M^r Morris's Daughter & was thereby engaged heartily in M^r Morris's Interest

M^r Morris about this time returned from England & arrived at Boston At his arrival there before he knew the State of Affairs in New York he declared in Company in which M^r Clarks son was present declar'd that M^r Clark was confirmed in the Government & that he would receive orders accordingly by a ship (naming her) which was to sail a few days after his leaving England There came a certain Account likewise by the Ship which brought over M^r Morris to one in New York that a Warrant was sign'd by the King for issueing a Commissⁿ to M^r Clark to be L^t Governor of New York And the Orders accordingly came to M^r Clark in that very ship which strongly confirm'd that M^r Morris had really said so tho he afterwards deny'd it & some say even upon Oath

But Captⁿ Norris going to Boston on purpose & giving M^r Morris an Acct of the Disposition of the People of New York he deny'd what had been reported & on the contrary asserted that nothing was determined in the Affair When he arriv'd at New York he was receiv'd by a Vast concourse of People but had the Imprudence to tell M^r Van Dam in that Company so as to be overheard by some That if he did not hang them (suppos'd to be meant of M^r Clarke & his party) they would hang

him which being whisper'd abroad gave people a sudden shock as to the merits of the cause & of M^r Morris's Disposition The sitting of the Supreme Court approaching it was confidently reported & I believe not without reason that the People intended to pull Chief Justice De Lancey from the Bench & set M^r Morris upon it to whom M^r Van Dam was to give the Commission of Chief Justice

This came to the Chief Justices ears & I was told by one that certainly knew if it was so that the Chief Justice's party had prepared to receive them That some persons fit for such an Employment were to mix with the Crowd & to keep close to the leaders of Van Dam's party that in case any insult was made on the Chief Justice they were to make sure work with the leaders which they expected would have tamed the rest But well it was neither side had an Opportunity to put their Designs in Execution by reason the Ship with the Orders arriv'd the day before the day of the sitting of the Supreme Court While these things were carrying on many stories & whispers were sent abroad & some papers dropt in order to intimidate M^r Clarke that is that the either intended to seize his person or kill him in the Attempt Upon which he retir'd into the Fort call'd in the whole Garrison & put the place in a posture of Defence At this time we had all the appearance of a civil War which had it happen'd must have been accompanied with much cruelty as allmost every man was exasperated against his Neighbour & where resentment & Anger was burning in every mans breast It is certain M^r Clarke took the most prudent method where he could do litle by his Authority in bearing with great patience treating all on every occasion with great civility & avoiding every thing that might exasperate or occasion tumults & for that reason he intended to have adjourned the Supreme Court by Ordinance if the Letters had not come before that time which put an end to all these Disorders

The only reason I can give for M^r Morris a man of a bold Spirit or rather Captⁿ Norris pursuing these vio-

lent measures was in hopes to have rais'd the Peoples Spirits to that height as to have made it necessary for the Kings Ministers to have given way to their Humours by restoring M^r Van Dam & making it likewise necessary for a succeeding Governor to fall in with their Measures Coll Morris & Captⁿ Norris's taking this Violent Course seem'd to proceed from the knowledge they had that M^r Clarke would be Justified in taking the Administration upon him & would be confirmed in it & after the Orders came people were so strongly confirmed in this Opinion that Neither Coll Morris's Oath nor any thing else could alter it So that Coll Morris in one day from being the most popular man at that time in the Province became the most detasted after the people cool'd & began to think into what dangers he had been hurrying them by false Intelligence As to my own part I to this day cannot but think that Coll Morris sacrificed to Policy & Ambition that Gratitude & fidelity which he owed to a people that had supported him with their persons & purses at a time he must otherwise have been oppressed

In one days time from the greatest appearance that well could be of a civil war the Country was reduced to a perfect calm & every body submitted to M^r Clarke's Administration

The Assembly was to meet about that time went upon Business without the least opposition But in settling the Revenue they met with a difficulty which gave an extraordinary turn to affairs. The rise of all the Disturbances in Coll Cosby's Administration was from the Prosecuting M^r Van Dam for half of the Sallary which he had receiv'd during the time that he was president of the Council. The Chief Leaders of the Assembly as well as the present Judges were of Opinion that he had only a Right to the half Sallary not to the whole but as M^r Clarke was a man that on no consideration would give up his Interest & therefore not only demanded the whole Sallary but would accept of no Composition Upon this in the next Spring he dissolved that Assembly notwithstanding that he had all the reason imaginable to ex-

pect that those who had so violently opposed him before the Arival of his Commissⁿ of Lieutenant Governor would be Elected into the new Assembly for tho Coll Morris had lost Credit with the People the other leaders whom they thought as much deceiv'd by him as themselves kept their Credit entire They had taken care to inform M^r Clarke when he receiv'd his Commission that notwithstanding they had opposed him while they thought he had no right to the administration now they would be as ready to serve him as others & I believe he expected they would be more so to attone for what had passed

The Election for the City of New York fell entirely in favour of what was called the Country party & so it did in many other places so that the Leading men of the Court party as it was called during Coll Cosby's administration were every where outed and Coll Morris was reelected for Chester County the Country party thinking it for their Interest not to show that they had broke or had a diffidence among themselves but notwithstanding of this the Chief Justice had many friends in it. Upon the first meeting of the Assembly they had some difficulty in choosing a Speaker Coll Morris they knew would certainly expect that Honour & yet they had no mind to trust him & they suspected that if he were disoblighd he would find means to break their measures & take a pleasure in showing that they could not do without him for such was his Temper for this reason only they chose his son ¹⁶ Speaker & passed M^r Alexander by at his earnest request who in all their Opinions was much fitter for the Office The Season of the year would not permit the Country members to continue & therefore an adjournment was necessary but in two days which they sat so many different things were brought upon the table & order'd to be taken into consideration at their next Meeting that they gave the Country an Expectation of Great Matters & as much allarmed the Opposite party especially the Judges who expected to be exposed to a publick censure But during the time

¹⁶ Lewis Morris, Jr.

of this adjournment Coll Morris effectually destroy'd the Confidence any still had in him by his son the Speaker's applying to the Gov^r for a change in all the Commiss^{ns} of Westchester County He & all that party had loudly cried out against the Arbitrary removal of Judges & Officers during Coll Cosby's Administration & immediately as soon as they are in power or in favour they do what they blamed so much in others & the Opposite party did not fail to make the proper use of it The only reason I can think of for his doing this was for trial of the Governors Disposition towards him He suspected that the Gov^r could not forgive what had passed & that he must still continue his favour to those who had strenuously defended him against the violence of the Country party & therefor he put this to him as a Test viz to turn out all his former friends in that County & to put their Ennemies in their places The Gov^r was sensible of the view with which it was don & complied by which Coll Morris got his design of breaking the Gov^r with that party but at the same time entirely ruin'd his own Interest with the People For the Arbitrary removal of Judges & Justices during Coll Cosby's administration gave the most general offence as rendring the Justice of the Province entirely precarious & now the People said These men only exclaim'd against this Abuse because it was used against them but as soon as they have a Gov^r in their Interest they are fond of arbitrary power employ'd in their favour From this time those who were formerly the Court party became violent Ennemies to the Gov^r they thinking from this Action that he would stick at nothing that could serve his present Interest & did not fail to expose his Ingratitude to them in the deepest colours & they were successfull in establishing a general dislike to the Gov^{rs} person for certainly Open ungratitude is Odious to all mankind

During the Adjournment of the Assembly one ¹⁷ of the Members for the City of New York dy'd. The Anti Court party taking Advantage of the Discredit Coll Mor-

¹⁷ Garret Van Horne, representative from New York, died 1737.

ris's party had fallen into resolv'd to Struggle in the next Election for the Principle man in their party M^r Phillipse¹⁸ who had been Speaker in several of the last Assembly's & had lost the Election in this by a great Majority His friends & the Chief Justices who were the men of the best Estates & greatest personal Interest of any in the province used all the force of Money & Interest to carry the Election in his favour The other party was no less assiduous¹⁹ Never was a Struggle carried on in this Province with so much Animosity in which the Chief men of both sides exerted their Utmost force & never was any Governors personal Character exposed in more gross terms than M^r Clarke's & that of his family was at that time & it was his misfortune that he & his family had given too many handles for Malicious people to lay hold of. About this time we had certain Account that Lord De la Ware was appointed Governor of the Province & he wrote that he design'd soon to embark This added a new motive to each side in the Struggle to show their Strenth upon the New Governors Arival & M^r Clarke was exceedingly discouraged upon it. His old friends upon this Occasion show'd such inveteracy against them that he offer'd to join with Coll Morris's party to all intents & purposes & would have done any thing to the prejudice of the others upon condition of espousing his Interest But they durst not trust a man who they thought had no faith or friendship for any man further than it serv'd his present purposes for this Opinion was universally established in both parties. They complied so far as to use their Interest to procure what was due to him for the administration but would do nothing that might endanger their Interest with the People. I can say these things with more certainty because I was acquainted with the whole Transactions between them & the Gov^r

About this time M^r Alexander who had the greatest Influence in the Assembly resolv'd to indeavour a recon-

¹⁸ Adolph Philipse.

¹⁹ On behalf of Cornelius Van Horne.

ciliation between the parties His reason for it was that he saw the parties at such a heighth so nearly equal in their strenth among the People that he suspected both sides upon the Arival of a new Governor would go any lenth with him in order to gain in their favour the power which necessarily accompanies that Authority. He was the more induced to it that he perceiv'd some of the principal of his own party endeavouring to gain the offices which were in the Governor's disposal.

The greatest occasion of Animosity between the parties & in which he was more immediatly concern'd was His & M^r Smith's Suspencion from their Practise in the Courts as before taken notice of. As he was not in terms to make any proposals to the Chief Justice I was employ'd to break the Ice & by M^r Murray's Interposition they at last came to a Composition which was at last perfected by an Agreem^t privately enter'd into by the Judges of one side & M^r Alexander & M^r Smith on the other By which the Rule of Court by which they were debarr'd their practise was to be set aside on M^r Murrays motion as *Amicus Curiae* without saying he had any Authority from them to make the request or any acknowledgem^t of their having committed a fault or mistake in what they had don The Judges promised likewise on all occasions to treat them with the same civility that any other of the practitioners were They on their side by an Instrument under hand & Seal releas'd all Action that they might have against the Judges for Damages they sustaind by their being debarr'd their practise Accordingly they were restored to their practise the first day of the next term to the surprise allmost of every body the conditions of their restoration by an article of the agreem^t being to be kept secret on both sides

M^r Phillipse having gain'd the Election the party in the Assembly in Opposition to the Governor gain'd exceedingly by him because he had great experience in the Managing of Assemblys & his Skill lay in the low arts of gaining & surprising the Weak & ignorant part of that house as many of the Country representatives are such

in this Country. The parties became so equal in the Assembly that the whole turn of their affairs came to the gaining to either side the most senseless & silliest Creature in the house Both parties sometimes had him & sometimes lost him Such may be the state of popular Governments that the turn of Affairs of the greatest consequence may depend upon the Vote of a single man of so little Credit or Reputation that no man would trust Any of his private affairs of the least consequence to his Arbitration

Mr Clarke's party who were before so exceedingly popular now they were thought to join with the Governor lost every day ground with the People & divided among themselves Some were so fond of the offices in the Governors power that for the sake of them they risked their popularity Others blamed them & would only stand upon that foundation on which their strength lay but all were so much affray'd of losing their popularity that none of them would be seen to converse with the Governor. Such was his case his Enemies were equally strong with his friends if they may be so call'd who were in perpetual distrust of him & would not converse with him He found it then necessary after continuing near a year in this State to endeavour to Change hands [blank]

CADWALLADER COLDEN'S
HISTORY OF
THE FIVE INDIAN NATIONS
CONTINUATION
1707-1720

*Continuation of Colden's History of the Five Indian Nations, for the years 1707 through 1720*¹

[Draft in Colden's handwriting]

In Jan^{ry} 1706/7 Captⁿ Abraham Schuyler had y^e Command of 12 men Christians & Indians in pay of y^e Gov^t, who were kept as Scouts near Champlain & St Sacrament to prevent any Surprise from y^e French or y^r Indians & to give Intelligence He was to send two of his men every 8 to Albany whether they discover'd any thing or not The Captⁿ had 8/ 10 diem the Christ. 4/ & y^e Indians 3/ 10 diem

The People of Connecticut having intertain'd some Jealousy or having some false Informations of some of y^e N York Indians that were met together near the borders of Connecticut in order to confer wth y^t Gov^t were surprised & 30 of y^m taken prisoners by y^e

¹ Colden's *The History of the Five Indian Nations Depending on the Province of New-York* was printed in New York by William Bradford in 1727. A revised edition, printed by Thomas Osborne in London, in 1747, contained a second part, continuing the history to the Peace of Ryswick of 1697. (See John Gilmary Shea's introduction to his re-print of the 1727 edition, published in New York in 1866.)

This third part, never before published, continues his Indian history from 1707 through 1720. It was written by Colden on folded folio sheets, of which each section of two leaves is numbered, the numbering running without a break from "b1" through "b22," with the last two pages of the last section blank, and it is complete for the period. (No manuscript has been found covering the years from 1697 to 1707; Colden may have intended to use "a" numbering for the pages of those years, or may actually have so numbered a draft that is now missing.)

Colden's manuscript revision of the 1747 edition shows that he intended, in any new edition, to drop the division into parts, and to number the chapters consecutively throughout.

It is interesting to compare this third part with Peter Wraxall's *Abridgment of the Indian Affairs, 1678-1751*, (edited by Charles Howard McIlwain, Harvard University Press, 1915), and with some of the minutes and accounts of Indian affairs printed in O'Callaghan's *Documents Relative to the Colonial History of New York*, volume V. The various Indian tribes, with their varied spellings, may readily be identified with the aid of Frederick Webb Hodge's *Handbook of American Indians* (Bureau of American Ethnology, 1907, 1910).

People of y^t Gov^t The Com^{rs} for Indian Affairs having heard of y^s sent to Connecticut for to have y^m released but before y^e Messenger reached Connecticut That Gov^t was sensible of y^r Error & had set them at Liberty & made them Satisfaction for y^e Mistake

In y^e beginning of Feb^{ry} the Oneydoes brot an English boy y^t had been taken when Deerfield was cut off & was given by the French to some of y^e Oneydoes part of y^e praying Indians y^t live near Montreal to condole y^e Death of one of y^r Sachems Our Oneydoes went several times to recover but by the Gov^r of Canadas orders he was hid from them for some time but at last they got him & brought him to Albany where they rec^d a reward for y^r trouble

Several Indian Spies were sent to Canada to the praying Indians of Cahnuga (who had promised not to engage in any Enterprise agt New York) for to get Intelligence of what was doing or design'd in Canada

Laurence Claes y^e Interpreter was kept constantly at Onondaga to prevent y^e Mischiefs w^{ch} were apprehended from the French & Jesuits y^t were settled among the 5 Nations The Gov^t of New York endeavour'd to make Peace between y^e Five Nations & the Indians w^{ch} live to the westward that those Indians might freely come to Albany to trade & the Jesuits on the other hand kept up the Animosities between them to prevent the Far Indians going to Albany Their only Passage being through the Countrys of y^e Five Nations These Jesuits once perswaded the Five Nations that the People of New England were preparing to fall upon Albany & to cut if off & put them in a terrible allarm makeing them believe that the People of New York & New England were Enemies to each other & with design to Favour an attempt w^{ch} the Owenagungas design'd in the Spring agt New England

In May 1707 there was another compl^t made by the River Indians of the People of New England attempting to destroy them while they were hunting & of their having no regard to the signal y^t was agreed on between the

two Gov^{ts} for Distinguishing the Indians belonging to New York

In June y^e same year one of y^e Mohawks named Arie came from Canada & inform'd the Com^{rs} that 6 Companies of French Indians were gone ag^t New England & that 20 Indians more were ready to go all of them supplied w^t all sorts of Ammunition by the French Gratis for y^t Expedition

He inform'd likewise that the French had perswaded the Mohawks by y^e Christian Mohawks to go ag^t the Ondadiones or Flatheads who live near Carolina

In June likewise several of the Adgiecanticoke Indians came to Albany & traded

The Sachems of y^e Five Nations came to Albany in July & told they had some things of Consequence to communicate to the Gov^r (Lord Cornbury) there was an Express sent to acq^t his Ex^y but he answer'd his Business would not suffer him to come But y^t he would meet y^m y^e 12th of Sept^r This being communicated to the Sachems They answer'd that it being yet 50 days to come before they could see the Gov^r they could not stay so long & they being likewise old men they could not bear y^e fatigue of coming back at that time & therefore would tell in a few words what they had to say

That they had obey'd y^e Directions they had formerly receiv'd from y^r bretheren in going to Canada to perswade their praying Indians liveing there to lay down the hatchet that they had taken up by y^e Instigation of y^e Gov^r¹ of Canada ag^t New England & to perswade y^m to leave y^t Country & to return to y^r Habitations w^t y^e five Nations But they found them entirely under the Influence of y^e Gov^r of Canada & that they were not like to succeed in either

They likewise told them y^t by y^e Advice of y^r Bretheren they had concluded a Peace w^t a Nation of y^e Far Indians liveing to the Westward called Tieuchsaroendies & Lastly said that their young men were perswaded by the French to go against the Oyadagohroonies or Flat-

¹ Philippe de Rigaud, Marquis de Vaudreuil.

heads who live near Carolina That they were affray'd of the Consequences of that Expedition & therefore desir'd a man of some note might be sent into their Country w^t sufficient Instructions to prevent it

The Com^{rs} answer'd y^t they would acq^t his Excell^y with it & so they were dismiss without any further notice being taken of y^m

The Lord Cornbury seem'd to have little regard to the publick wellfair during all the time of his Administration

Lawrence Claese the Interpreter was sent into the Indian Country to prevent Jean Cœur² the French Interpreter for y^e 5 Indian Nations from Building a house at Onondaga or in y^e Sennekas Country

And to preswade the Indians to set the French at liberty who had deserted from Teuhsagrondie that they might come to Albany It seems Jean Cœur had perswaded the Indians to detain them And to dissuade the Indians from goin ag^t the Flatheads

On y^e 6th of August 1707 The Adgekantekoke Indians came to Albany in their way to the Mohawks & presented a Belt as a token of y^r desire to live in Friends^p w^t t^s Government & when they were asked as to their Inclinations towards New England they Answer'd ambiguously But when a Belt was offer'd them to engadge them & y^r oy^r tribes to make Peace with New England they refused it

Some of the most trusty Mohawks then in Town were sent to be present when the Adgecontekoke Indians shewld speak to the Mohawk Sachems

On y^e 11th of y^e same Month two Mohawks having been sent as spies to Montreal return'd & gave an Acct of two parties of French Indians gone out ag^t New England

The effect of y^s journey or Embassy of y^e Adgecontekok Indians was y^e renewing of Friends^p between y^e Mohawks & Owenagungas of which the these are a tribe & occasion'd some of y^e Mohawk Sachems to go to Canada to treat w^t that Gov^r however they acquainted y^e

² Joncaire.

Com^{rs} of their design before they went & were askt if they had included the the Bretheren of New England No answer is enter'd on the Minutes or what these Sachems design'd by their Journey to Canada

On y^e 4th of Oct^r y^e same year The Interpreter ³ being return'd gave an Acct that most of y^e five Nations were out ag^t the Flatheads near Carolina that they brought in a great many prisoners most of whom spoke English That the Cayugas had brought home 36 had burnt one y^t spoke English & eat his Flesh That they continue to bring more daily

That the Gov^r of Canada encourages them by giving all those powder & lead that go upon y^t Expedition gratis That their was not ten men left of y^e Oneydoes at home from these Expeditions

That the Cayuga Onnondaga & Oneydo Sachems intreated that a new Belt might be sent to each nation by some considerable person to diswade their people from these Interprises because they were affray'd of y^e Designs of the French now their Country was naked of fighting men & wer inform'd that the French were makeing great Preparations for some secret Expedition

That Jean Cœur the french Interpreter was return'd to the Sennekas Country & had brought another Priest in room of the last that was gone back to Canada

That the Gov^r of Canada had indeavour'd to perswade the Sachems of the Five Nations y^t y^e Gov^t of New York did not deal sincerely with y^e five Nations because he had taken several of y^t Gov^t prisoners who had been lately engaged in a design by water ag^t Canada & y^t they did not keep to the Agreement made That it [was] only y^e consideration he had for y^e five Nations that kept him from falling upon New York

The Indians have a Ceremony that is much regarded viz That when any of their great Sachems dye the other Nations in Friends^p w^t y^m send present of condolence on y^t occasion A Noted Sachem of the Mohawks dy'd y^a year & the French sent to condole their loss before

³ Lawrence Claessen.

y^e English did tho' they liv'd not far from Albany & tho' they had often desir'd a smith to live w^t y^m to repair y^r arms no care was to send one

These things & y^e Defenceless state of y^e Frontiers were represented in y^e most pressing manner to the L^d Cornbury but I do not find that he took any Notice of it

Several of the Praying Indians came to Albany from Canada & some of ours were sent thither as spies

The Indians receiv'd a mean Notion of y^e Gov^t by reason of y^e defenceless state of y^e Frontiers

Jan^{ry} 16th 1707/8 The Adgekantekoke Indians who at y^s time hunted near the Wood Creek came to Albany & declar'd that tho' they had another father (meaning the French) yet they desir'd to live in & peace & friends^p w^t y^s Gov^t They were favourably receiv'd & it was recommended to them to observe strictly the Newtrality they had agreed to w^t respect to the War betwixt the English & French

The spies give an Acct of great Prepara^s made by y^e French of Canada for some Expediⁿ

Some far Indians being come to the Sennekas Country Messages were sent to all the other Nations & to Albany to desire them to send Deputys to meet y^e said far Indians to hear what they had to say & to give their answer jointly At this meeting the far Indians said they were of three Castles that were come to settle at Swego a place eight miles above Jagara (giveing 4 Deer Skins) That there was a great fire kindled there the smoak of w^{ch} may be seen far but that they need not be surpris'd at it (Giveing a large red stone Pipe w^{ch} is the greatest present or Token used by those Nations in their Treaties) & desired that the Sennekas & y^e rest of y^e five Nations might live like Bretheren with them saying Let us have one Bowel One & one knife & live in Friends^p together Let the Sennekas hearts be as our are & Let us plant & let our wives & children live comfortably together If any person or Nation shall do any harm to the five Nations we will join to revenge it If any shall do us any harm we will acquaint the five Nations

of it & Crave their assistance Let our hatchets & Arms be united for the mutual assistance of each other

Which Proposals were accepted of in y^e Gen^l meeting & presents given as a token thereof

The spies from Montreal gave an Acct that the Prayin Indians of Montreal had waited on M^r Ramsay ⁴ Gov^r of Montreal on acct of a Rumeur they had heard viz That he should have said that it was the Indians who carried on the War against the English of their own heads He own'd he had said so upon w^{ch} all the Sachems of the Cahnuaga Castle gave up y^e hatchet to M^r Ramsay saying y^t they were not the persons who carried on the War That what they had hitherto done was only solely at y^e Sollicitations of the French That the french had hired both sober & drunken Indians & had given them Ammunition & Provisions for y^t Purpose That the French purchased all the English Prisoners the Indians took at y^e rate of 20, 30 & 40 bevers a head But to demonstrate that y^e Indians were not the Aggressors or promoters of y^s war They told the said Gov^r that they intended to have a general Meeting of all the Indians belonging to Canada in the Spring at w^{ch} 800 Canoes of the Mawawas a Far Indians design'd to be present at which meeting they design'd to lay down the hatchet th[ey] had taken up against the English

5 Sachems of one of the Castles of y^e Praying Indians near Montreal call'd Schawinnandie came to Albany y^e 22^d of May 1708 & declar'd that they had buried the hatchet w^{ch} for 3 years past they had taken up against New England & promised never to take it up again

On y^e 28th of May y^e same year Laurence Claese y^e Interpreter was sent express by the Onnondaga Sachems to inform y^e Com^{rs} at Albany That the Gov^r of Canada was about to build two forts one at Swegasie the other at Oiagara & to place Garrisons in them which two places were the passes by which the five Nations went to y^r Principal hunting places for Bever The consequences of which will be that the Bever hunting of y^e Five Na-

⁴ Claude de Ramezay.

tions will intirely depend upon the French that the five Nations must either abandon their Country wholly give themselves up to the French They give this timely notice to their Bretheren that they may before it is too late think of securing the Five Nations the only way to do w^{ch} they think is for y^r Bretheren to build Forts in the Country of the Five Nations in such places as may prevent these designs of the French They earnestly desire y^t y^r Bretheren may give them speedy notice of what they shall resolve because of late they begin to apprehend that y^r Bretheren take no concern about them & y^t they are slighted they having never seen Corlaer in person but once since he came to the Gov^t They desir'd y^r Bretheren to consider y^t if the five Nations should be dispersed or cut off or should be at the Mercy of y^e French what will become of the Bretheren

The Interpreter likewise inform'd the Com^{rs} that y^e French Jesuit at Onnondaga had receiv'd great quantities of Goods w^{ch} he distributed among y^e Indians to gain y^r affections & y^t y^e French Interpreter was expected w^t great presents to them &

That Canahquenje the chief Sachem of y^e Oneydoes w^t several others of y^t Castle were perswaded to go to Canada to beg for a Priest to reside in y^r Castle

All which the Com^{rs} represented to y^e Lord Cornbury in the most pressing terms

The L^d Cornbury apointed to meet the five Nations at Albany y^e 1st of Sept^r

July 12th Canahquenie being return'd from Canada came to Albany to inform them that the French at Montreal were preparing an Expedition against New England & said that y^e Gov^r of Montreal told him that it was only for sake of the Five Nations that he did not fall upon New York because the Five Nations were y^r Bretheren

He brought a French deserter y^t were on y^r march w^t a Comp^y of soldiers to Teuchsagrondy to Albany & said that he had with much difficulty saved him two had deserted but the other was kill'd by the French Jesuit & Interpreter

July 20th The Lord Cornbury being at Albany Several Indians that lived near Teuksagrundie where the French have a settlement call'd Detroit address'd themselves to him makeing use of Dekanesora for y^r Speaker & Interpreter They told his L^p that they had broke through all the Opposition the French could make in order to come to trade & assur'd him that if goods were sold cheap & they well used at Albany many more would follow their Example

The Lord Cornbury being come so long before the day apointed for y^e Indians to meet him & few of them being come he [spoke] to the Sachems that were come telling them that the Queens affairs required his returning speedily to New York & y^t he could wait no longer for y^r comeing therefore recommended them to y^e Com^{rs} of Indian affairs & promised to return by y^e 20th of Sept^r

In publick the Sachems show'd no discontent tho' they assured him of all y^e Sachems being on their way but Dekanesora came privately to the Governor & said Brother Corlaer As soon as you shall hear that the French have built a Fort at Ohiagara you may conclude that the Five Nations are undone & lost You may expect it will be your turn next for we look upon our selves as one People with you We have one heart one head the same flesh & blood with you but we cannot without your assistance put a stop to y^e French Designs

The L^d Cornbury promised to lay these things before y^e Council at New York for their advice that proper Methods might be taken to which he replied The Sennekas & Onnondagagas have frequently given this Govern^t Informaⁿ when a storm threatned them from the French but could never obtain any relief or assistance but he hoped better care would be taken for the future

The Com^{rs} at Albany at repeated advice that the French were preparing some Expedition ag^t New England of w^{ch} an account was sent by Express to y^t Gov^t & scouts were sent out to watch that parties motion least they should attempt any thing against this Government

On y^e 8th of August all y^e Sachems being come they

prest to have the Governor sent for because they had Business of great concern to communicate to them The Com^{rs} answer'd them that the Gov^r could not come before the 20th of next month & that in y^e mean time if they would communicat y^r business to y^e Com^{rs} they would transmit what they shall say to his Excellency But as they had repeated information of the French having some Design upon y^e English the Com^{rs} desir'd the Sachems to send some of their young men out as Scouts to indeavour to Discover the Ennemy To this last part the Sachems answer'd It is not the Custom among us for people y^t come to treat of publick affairs to be imploy'd as scouts If the Bretheren should come to treat with us in our Country while we are Apprehensive of Danger we would send out some of our own People as Scouts to observe the Motions of the Ennemy & would not desire those that come to treat with us to undertake that office

On the 9th of y^e Month the Sachems made their formal speech to the Com^{rs} complaining of the litle regard of late had been shown & the want of care of their affairs & of the Dearness of Pouder for which reasons they were now like too loose their sense & reason under their Concern we are like Deaf & Blind People (they said) that can nather hear nor see Adding that if the Bretherern had heartily assisted them they should have been able to have brought over all the Indians now under the Influence & Dominion of Canada

They said they had often proposed a Meeting w^t y^e Virginea & Maryland Indians which would effectually have procured a lasting Peace but they find that all other their proposals neglected But if we find that you go thus on it will be the last time we shall ask any thing of you

Br Corlaer But what is the reason you neglect your own Safety Now you hear the French are out upon some enterprize you set about fortifying your Town Would any have been so long in War without doing it indeed it should have been done before you began

the War & not now when you have so many things to look to that you can not tell what to do first Then they gave a Considerable present which was order'd to be sold at out Cry to defray the Charge of this Interview the Gov^t having no money to do it

The Com^{rs} receive repeated advice from their Spies that the French Parties design'd ag^t New England were return'd the Particulars of which were given more Particularly by two Sachems of Cahnuaga praying Indians near Montreal as follows

In y^e beginning of May last y^e Gov^r of Canada desir'd a gen^l meeting of all the Indians liveing near Canada

At this meeting the Owenagunga asked him why he did not pity them for the many losses & hards^{ps} they sustain'd by y^e People of New England whereupon the Gov^r seperated the young men from the Sachems & put the Hatchet into y^r hands to be revenged on New England Upon w^{ch} the Sachems of Cahnuaga to take care

of what they were about to do & dissuaded them from that interprise upon w^{ch} those Sachems went to Albany but on y^r return met their young men near Chambly w^t y^e french Army on their March ag^t New England w^t their axes well sharpned which very much surprised those Sachems They resolv'd however to try to break their Measures & discoursing their young men & using many arguments how they came to begin any Interprise ag^t y^e English when they knew y^t y^r Sachems were gone to Albany to lay down the hatchet they turn'd the edge of all their axes & made them blunt & dull However

they marched a litle further but the Sachems words had such effect upon them they soon after return'd & brought back w^t y^m all y^e Indians in y^t party which consisted of 65 Indians & 5 french The greatest body had gone up St Francois River consisting of about 200 Canadiens The likewise return'd the River being too shallow for y^r Battoes & Canoes

The Sachems waited till y^e 25th of Sept^r when they were inform'd y^t y^e Gov^r could not meet them & were appeased by a present of Pouder & goods

Both y^e English & French were much amused w^t rumours of being attacked y^t winter by each other

The French had five Jesuits in the Countrys of y^e 5 Nations who did all they could by Presents & otherwise to debauch y^m from the English Among oy^r things they took y^e advantage of y^e Dearness of Pouder at Albany to perswade them y^t It was done to deprive y^e Five Nations of all means to defend them selves & y^t y^e Queen of England had wrote to y^e French King to join w^t her to cut of y^e five Nations & to divide their Lands between them That y^e General Assembly sat every year at New York to contrive Methods to ruin them But y^t y^e French were resolv'd to defend them & for y^t reason had sent a smith to repair their arms Gratis & furnished them likewise w^t pouder Gratis for y^r necessary defence

One Montour of Canada & some Indians had been employ'd from Albany to endeavour to gain the far Indians to come to trade at Albany & to make Peace w^t y^e five Nations for that purpose which Messengers had all the success with those Indians that could be expected In consequence of which an Oneydo Sachem was sent from all the five Nations with 7 hands of Wampum to acquaint the Com^{rs} at Albany y^t 4 Castles of y^e far Nations call'd Waganhaes were to meet y^m at Onnon-daga to conclude a Peace with y^e five Nations & desir'd y^t Messengers might be sent from New York to y^t meeting with presents usual on such occasions to act on y^e part of y^t Gov^t

The Com^{rs} sent an account of this to the Lord Lovelace now Governour in y^e room of y^e Lord Cornbury He by y^e advice of y^e Council order'd David Schuyler to be sent w^t y^e Interpreter & considerable presents which was done accordingly

But at y^e same time it happen'd that One Montour of Canada had been sent from Albany w^t some Indians to perswade y^e far Nations to come to trade there who had accordingly perswaded ten Sachems of two Nations to go along with him for Albany viz of the Missiague's &

Nequequent who met Jean Cœur the French Interpreter at Ossaroda near y^e Cuyuga Castle The French Interpreter perswaded Montour to return back with the Indians & threatned to set the Indians of y^e 5 Nations upon him to kill him But Montour persisting in his Resolution Jean Cœur seeming to lay aside his Anger perswaded Montour to smoak a pipe with him & set a French man behind him with an hatchet under his Coat who when he perceiv'd Montour was not upon his guard struck his hatchet into Montour's head & kill'd him The 10 Sachems would immediatly have kill'd the French men had not Montour's brother in Law prevented them

The French being alarmed at these proceedings stopt the Dewagunhaes that were coming to Onnondaga to settle y^e Peace as they passed by Teuhsagrondie & would not suffer y^m to go on however The Indians y^t came with Montour continued their Journey to Albany

When these Indians came to Albany they spoke to the Com^{rs} as follows

Fathers

We are come to this place by Montour's Perswasion to open the Door with this Key (presenting eleven Bevers) We have suffer'd a great loss having had the sun with us only half the way to guide us when it was taken from us (by which Montour's Death was meant) notwithstanding of which we continued our way in the Dark

They assur'd the Com^{rs} that tho a few only of their Nations appear'd at this time if they should be well used so many would come next year that y^e Com^{rs} shall wonder to see so great a Company & that they would no more go to Canada But they complain'd of y^e Traders of Albany having forced them into their houses against their will & of their having taken all their goods from them This Greediness after gain & there being no sufficient Authority exercised at Albany to restrain the Traders has in a great Measure lessen'd if not alienated

y^e affections of the Indians & defeated the Designs of the Gov^t here

The L^d Lovelace dying soon after his arival Coll Ingoldesby took y^e Gov^t upon himself at which time an Expedition was design'd ag^t Canada both Land & Sea w^t a Squadron of Ships expected from England

Some of the French Indian Scouts took a New England man prisoner near Northhampton who being carried to Montreal discover'd that there was an Expedition design'd ag^t Canada upon w^{ch} several parties of Indians were sent out from Canada towards New England to take prisoners for further Discovery Information of w^{ch} was immediatly sent to Hatfield by express to be upon their Guard

about y^e last of May 1709 Captⁿ Abr. Schuyler & Capt John Schuyler wer sent to the five Nations to ingadge them to join in the Expedition against Canada Information of w^{ch} being sent to the Jesuit ⁵ at Onondaga from Canada he left that place to avoid being secur'd

On y^e 9th of June some more of the far nations came to Albany who said they were come by Montour's perswasion notwithstanding that the French had spread in y^r Country that y^e English had kill'd Montour

The Com^{rs} gave them a Belt to assure them & their Nations y^t Montour was kill'd by the Governour of Canada's orders because he had not only left his own Country but was withdrawing all the far Indians from the French

The Onondagas Cayugas Mohawks & Oneydoes being met at Albany on the Invitation given them to join in the Expedition against Canada Coll Richard Ingoldesby Lieutenant Governor of New York on the 14th day of July 1709 spoke to them in the presence of Francis Nicholson Esq who was to be Commander in Chief of the forces which were to March by land on this Expedition Four of y^e Council of New York being likewise present as likewise Coll William Whiting who com-

⁵ Rev. Jacques de Lamberville. *Documents Rel. to Col. Hist. of N. Y.* IX, 838.

manded the Connecticut Militia on this Expedition & Coll Peter Matthews one of the Captains of the 4 Independent Companys of Regular troops in New York who was to go on this Expedition & said

Bretheren

It having pleased Almighty God to take to himself his late Excellency John Lord Lovelace whom the Great Queen of England my Mistress had been pleased to constitute Governor of these Colonies The Care of Government is by her Majesty lodged in me. I was therefore Willing to take the first Opertunity possible to meet you to renew the Covenant Chain in behalf of all her Majesty's Subjects on the North continent of America which I think ought for ever to be kept bright as it hitherto hath been on our part

Bretheren

I have sent for you upon an Extraordinary occasion to assist in an Expedition for the reduceing of Canada w^{ch} you have so much longed for That neighborhood you know hath of a long time been very troublesome to you & to many of her Majesty's good subjects in these parts

We will not now enumerate the many perfidies & base actions they have been guilty of We have have whole volumes full of Complaints which you have made to us of their troublesome Dealings

The French of Canada have killed, imprisoned, carried away & transported your People, burnt your Castles & used all means which lay in their power to impoverish you & to bring you to a low & miserable condition.

They have not only seduced your People & enticed them away from your Country but encouraged even your Bretheren to make war upon you on Purpose to weaken you

They have set the far Indians upon you & furnished them w^t Arms & Ammunition in order to destroy you The pains they have taken to accomplish your ruin hath been indefatigable

They inroached upon their Rights & Liberties by building Forts upon your land against your Wills possessing the Principal passes & hunting places whereby all your hunting (your only support) was rendered not only precarious but Dangerous

Their Treacherously murdering Montour one of your Bretheren before your faces in your own Country this summer is an Evident mark of their Insolence & how they intend to use you

Most of these things & other things have been truely represented to the Great Queen of Great Brittain (who is Victorious over the French King in Europe) She hath taken them into her Royal Consideration & has been graciously pleased (notwithstanding the Vast expence her Majesty is daily at in Carrying on this Necessary just War in Europe) to send over at a great charge a Considerable fleet with men ammunition Provisions & artillery & other things Necessary for the effectual reduceing of Canada to redeem you from that Bondage & slavery the French design'd to bring you under I must therefore earnestly exhort you to be cheerfull & resolute in joining with all your Strenth with her Majesty's forces w^{ch} go by land on this Expedition & you need not doubt (w^t y^e blessing of God) of a happy Issue & of bringing that Country under the Obedience of the great Queen of Great Brittain w^{ch} of Right did belong to her Royal Predecessors

This is the only & effectual Means to procure a firm & durable Peace & Quiet Possession of our Settlements for us & of you & your Posterity for ever There shall be all possible care taken to supply those that have no Ammunition & I hope there shall be no want of Provision this being also a good Season of y^e year for hunting
Bretheren

I must tell you that I am concerned to see none of the Sachems of y^e Sennekas here in this Grand Meeting I fear the French Jesuits (whom they have so long harboured) notwithstanding all the Precaution to

the Contrary have so far bewitched them y^t they have forgot how the French used to treat them formerly How y^t about 22 years ago in peaceable times they design'd to destroy them had not by meer Providence a Mohawk prisoner escaped & warned them of their approaching Danger However we will not wholly despair of their coming to themselves again & therefore shall keep their share of this Present w^{ch} her Majesty of her Royal Bounty has been pleased to send not doubting but y^t they will soon be undeceived & find that the story of the far Indians coming upon them now is a meer sham w^{ch} they need not fear but y^t all the far Nations as soon as the French shall be subdued will be & continue in Amity w^t them else the Bretheren will by Assisted by her Majesty I love to see all the Bretheren Unanimous according to the Ancient Covenant Chain which has ever been kept inviolable by us, having never had y^e least jarring or dispute but lived in Peace & Concord together since the first Settlement of Christians in y^s Country
Bretheren

I esteem it a very great happiness to both you & us that the Hon^{ble} Coll Francis Nicholson hath been pleased to accept of y^e Command of this Army y^t goes against Canada whereof you are a part He is a Gentleman who has had the Honour to have been Governor or L^t Governour of most or all her Majesty's Colonies on this Continent & who out of a real affection for you & us has offer'd his Service to y^e great Queen my Mistress on this Expedition as a Volunteer at his own Expence w^{ch} will be very great

I must earnestly recommend to you to pay all the Deference & regard to him as your Commander in Chief & cheerfully to obey all his Commands with the Utmost Diligence w^{ch} will entitle you to the Queen my Mistress's further favour & y^t on his Death or absence you pay the like Obedience to Coll Peter Schuyler who is in that case apointed to command this land Army Such of you as signalize your selves in this Expedition. Your

afores^d Commander in Chief will reward suitable to the Merit of the Action w^{ch} I hope will excite every man to the Performance of Great & Glorious interprises

(When Coll Nicholson was named to command the Army the Indian gave a great shout as is usual on such occasions to signify their approbation)

The Bretheren will receive tomorrow four fat oxen as a present from the Commander of y^e army in order to hang over the great Kettle of War that you may eat together according to your Custom & will then order you 4 Barrils of Strong Beer & the day following 4 B^{ls} more

Lastly I shall conclude w^t y^s exhortation t^t your people take care not to destroy y^t Christians Kettle but keep together & be obedient to their Commander in chief

As soon as y^e L Governor had done speaking the Chief Captⁿ of y^e Mohawks rose up took Coll Nicholson by the hand & walking with him before all the People Sang his War Song the rest of the Indians at Several times making great Shouts Then the Chief Oneydo Captⁿ did y^e like w^t Coll Schuyler as an Onondaga did with Coll Whiting & a Cayuga with Coll Matthews succeeding in this order to one another

Ogario a Cayuga Sachem came to Albany y^e 19th & inform'd that eleven days ago 4 Senneka Sachems had come to Onondaga w^t 3 belts to tell the 4 Nations that the Sennekas thought them too rash in taking up the hatchet ag^t the French in Canada & therefore advised them to let the hatchet ly by them to consider of y^e affair & not to make use of it unless y^e Gov^r of Canada should make war on them then it was time enough They added that the five Nations did not make a Compleat or full house at Onondaga when y^e War was resolv'd on ag^t y^e French there being only one Senneka Sachem present & he was not impowered by his Nation to come to any Resolution

Odario said further that he had been lately at Oksaront a Senneka Castle & hear'd 15 young men of y^t

Castle were resolv'd to join y^e Army at the Carrying place

We still see what Influence the Jesuits gain'd wherever they settled in former times the Sennekas would not receive any French Priests & were therefore the most hearty in the English Interest now that they had receiv'd them they are the most backward

The presents given on this Occasion were 250 fusees 1000 lb of Pouder in 200 bags 1500 lb of bar lead 3000 flints 12 ps strouds 4 ps of Blankets 4 ps Duffils 25 hatts 30 dozⁿ knives 50 looking Glasses 300 pr of Stockens 100 Shirts 30 Indian Kettles 70 hatchets The L Governor laying a great Belt upon the presents by which he renew'd the Cov^t Chain w^t all y^e Queens Subjects Then added

Bretheren

I must recommend one thing to you w^{ch} I believe will be highly requisite that while you are together you nominate & appoint two of your Principal men of each Nation to go along w^t Coll Nicholson to be a standing Council with whom he may advise upon all occasions as he shall see fit

Now Bretheren I would not have you by any means be impatient but wait the Generals time for you are not now going to scalp a few french or Indians according to your Custom but to reduce a whole Country

The L Governor afterwards spoke to the River Indians that is those that live within the Christian Settlements on the Banks of Hudsons River to the same purpose he had to the five Nations & gave them 25 fusees 1 ps strouds 8 Blankets 1 ps Duffils 3 dozⁿ knives 25 pr Stockens 8 Kettles 1 bar^l of Pouder 100 barr^s of lead 100 flints

On y^e 16th the four Nations made y^r answer addressing it to Corlaer & Quider repeating over (according to their Custom) every part of the Gov^{rs} speech & giving their assent to it at the same time condoling the Death

of y^e L^d Lovelace with the Present of 10 Bevers to the Queen to wipe away her tears on that Occasion

They desir'd that the General would hearken to their advice & make trial of their Council for we may know things where we are going better than a Stranger
Then they give in the Numbers of their Soldiers that were resolv'd to go on the Expedition viz of

The Mohawks	150	
Oneydoes	105	
Cayugas	100	
Onondagas	88	
	In all	443
added the River Ind ^{as}	60	to which is to be
Indians in y ^e Army	503	which made up

When they had done this they desir'd to know what number of Christians were to go They were told that 1500 were to go by land & about 8000 by Water in about 100 sail of Vessels great & small

While the Indians remained at Albany several Messengers came from the Sennekas telling them that the far Indians had resolv'd to take the advantage of so many of their men being gone to fall upon them But they were easily convinced that these were only Arts practised by the Jesuits in the Sennekas Country

While Laurence Claese the Interpreter of the Indian Language was at Onondaga to persuade them to come to Albany to join in the Expedition Four Onondaga Sachems propos'd to send two Messengers to the praying Indians of Montreal with two secret Belts to tell those Indians (for they still continued to have a regard for them as their Country men) that the English had form'd a Design to reduce Canada by land & by Water & desir'd them to return to the Land of their Fathers where they had been born & bred & for that purpose advised them not to join w^t the French but to sit still in y^r houses till the army should come near Canada & then to join themselves to the English Army Otherwise they must expect to be treated as Enemies To which Message the

Interpreter Consented & it was to be deliver'd to Tatah-quisero a Cahnuaga Sachem who was well inclined [to] the English These Messengers were ordered to meet the Army at la Motte in Champlain Lake where there should be some marks made to let y^m know whether the Army was got so far & if they did not find any marks they were to continue their Voyage through the lake w^t a flag in y^r canoe to distinguish themselves

To cover this secret Message they carried two other Belts w^{ch} they were to deliver openly w^t y^e two following Propositions

1 That it was not probable y^t y^e Governm^t of New York would concern themselves in y^s Expedition for they had not all this while any way enter'd into the War y^t New England was so deeply engag'd in tho' they were their own Country men that were daily murder'd by the French & their Indians

2 But by y^e 2^d they were to say that if y^e People of New York should join their forces & fall upon Canada the Gov^r of Canada could only blame himself for he had daily incited the Indians to kill & destroy the People of New England

Captⁿ Abr. Schuyler was sent w^t five others to y^e Sennekas Country to persuade them to join in the Expedition & to observe their Designs & y^e Designs of the French among them & to send Accts of every thing to Albany They had a Copy of the Message sent to the four Nations by y^e Sennekas in answer to w^{ch} he was to tell the Sennekas that y^e Gov^r of Canada had begun y^e War by sending some skulking Indians upon the borders of this Gov^t who had killed two boys near Schenectady

On y^e 22^d of July the Indians sent five of y^r Number w^t an Interpreter to see the fleet that was expected at Boston

A Party of Christians & Indians were sent out towards Corlaers lake to watch & discover the Enemies parties y^t were skulking there who met w^t a Canoe with Cahnuagas They kill'd them all but afterwards meet-

ing w^t a greater number of y^e french they were forced to retire w^t some loss

Some other Sennekas ariv'd & told that their People were in Confusion & extremely uneasy by the Various rumours spread among them That Jean Cœur had left y^e Country & had 33 men to guard him to Cadarackui & that no french were now left That notwithstanding of y^e Sachems being ag^t y^e war Many of y^r young men were resolv'd to come in small parties to assist in y^e Expedition & that one of y^r Principal Sachems called Cayenquarehten commonly known by the name of Blawbeck was to come w^t them who had been allways firmly attached to the Interest of y^s Govern^t

The fleet not arriving this Summer at Boston all these preparations were to no purpose but gave the Indians a mean Opinion of our Prudence & Conduct At their parting they Complain'd of there not being so well cloathed & provided w^t necessarys as the French Indians are by y^e Gov^r of Canada

The Interpreter was sent to Onondaga to take care of y^e Publick affairs & to send spies to Canada He gave Notice y^t many french were among our Indians & perswaded them to go against the Flatheads The People after y^e Expedition miscarried grew very apprehensive of y^e french makeing some attempt upon our frontiers for w^{ch} reason 25 Indians with a party of Christians were order'd to ly at y^e Crown Point at y^e head of Corlaers lake and some Mohawks were sent as spies to Montreal And 50 Indians were mentain'd in Albany & Schenectady for the Security of those two places

Some Prisoners had been likewise taken by the French while the Expedition was on foot & their Relations being very anxious for them as the French were for their Priest⁶ who had resided at Onondaga & was deliverd up by the five Nations The French sent some officers with these Prisoners to Albany to be exchanged for the Priest & his servt being conducted under the Protection

⁶ Rev. Pierre de Mareuil. *Doc. Rel. to Col. Hist. of N. Y.*, IX, 836, 842, 845.

of some Onondaga & Oneydo Sachems that had gone to Canada & made some Propositions to the Govern^r for a Cessation of Arms It is to be suspected that y^e People of Albany being averse to y^e War had underhand without the knowledge of the Govern^t put the Indians upon makeing these Proposals w^{ch} serv'd the Gov^r of Canadas purposes he being affraid of Nothing so much as of a War with the five Nations That this Suspicion is not without Ground will appear by the following affidavit of John Baptist Van Eps some times publick Interpreter of the Indian Language

That on y^e 15th day of Dec^r y^t year that Peter Schuyler in the house of Coll John Schuyler & in y^e presence of Captⁿ Abraham Schuyler & several Sachems of the five Nations & oy^r Indians Gave 7 hands of Wampum to the said Sachems thereby signifying to them that he had apointed his broy^r the s^d John Schuyler to Act in all matters w^t y^e five Nations & all other Indians in his room & recommended to the said Sachems to bring all publick News to y^e s^d John Schuyler dureing his absence & in case he should dye that then the s^d Jⁿ Schuyler is to remain in that Station for his life time & the Indians then present were ordered to acquaint all the rest of y^e Indians with this & for this end that the 5 strings of Wampum should be sent to the five Nations

So that here was an Authority over y^e Indians independent of the Gov^t & we see for what reason the five Nations in all their publick speeches addressed themselves to Quider (that is Peter Schuyler) as well as to Corlaer The Gov^r of Canada encouraged them in this for when he spoke to them he allways made use of the Word Quider to signify y^e Go^r of New York rather then that of Corlaer

In May 1710 The five Nations sent at 3 several times Messengers to Albany to tell that they design'd to meet some Waganha Sachems in the General Meeting to be held at Onondaga & therefore desir'd their Bretheren to

send some persons of Note to be present at y^t meeting to represent their Brother Corlaer & to bring some of the River Indian Sachems along w^t y^m Captⁿ Evert Banker & M^r David Schuyler were sent

When they came near Onondaga they sent one ⁷ of their Attendants to let the Sachems know of their being near who came out of the Castle to meet them & conducted them to the house where the General Council was held As they enter'd the three Waganha Ambassadors sang in the Indian Manner having three Calumets or long stone Pipes in their hands adorned with feathers as large as Eagles Wings They smoak'd on these Pipes & then presented them to the Albany Gentlemen who likewise smoaked Afterwards the Albany Com^{rs} took the Calumets fill'd them with Tobacco smoakt & then presented them to the Waganhaes who smoakt again These were the Preliminary Marks of Friendship After which the Com^{rs} made the Waganhaes told y^e Waganhaes y^t they were glad to see them in this house for tho' they formerly hear'd of their being often w^t y^e Sennekas yet they never before this came to the General meeting

To w^{ch} they answer'd that before this their Treaties had only reached the Sennekas who lay next to them & their coming now so far was the good effect of those particular & more private Treaties

This was what past y^e first day the next day the Cayugas Oneydoes & Onondagas sent for the Albany Gent & told them that they had a Belt sent from their Brother by Lawrence the Interpreter to which no final answer had been given. The Gentⁿ asked them if they remember'd the Message sent by that Belt They repeated it over as follows

Bretheren

We desire you would not go out to fight but stay at home to guard your Country & save your Wives & Children Wait the Orders w^{ch} will come from our Great

⁷ William Printop, a smith. See *Wraxall's Abridgment*, 70.

Queen & give no ear to the French of Canada The Governor of Canada sets you upon this War so far off on purpose to weaken your Castles that he may have an Opportunity to destroy your Wives & Children The Bretheren are not Ignorant You carry & feel every day the effects of their Deceit When y^e Gov^r of Canada pretends most to be your friend then has he the hatchet hid behind his back to murder Therefore Bretheren Consider well & give an answer to this Belt our sure Token

Then the Sennekas made answer thus Bretheren & Quider You hindered me last fall from going out to fight & charged me to keep a good guard against the French I have mused all this winter But when I think of the Brave Warriours that hav[e] been slain by the Flatheads I can Govern my self no longer Bretheren You desire by this Belt that I should stay yet longer at home but I reject your Belt for the Heatred I bear to the Flatheads can never be forgotten therefore Bretheren take your Belt again & take not my refusal in ill part

Then the Sennekas told the General Assembly of y^e Sachems that when the Wagonha Ambassadors came this last time to them they spoke to the Amb^{rs} as follows We take you by the hand to conduct you to our Brother Corlaer & Quieder The Doors stand every where open for you Your lodgings are prepared from the Sennekas Country to that of our Brother Corlaer & Quieder The Path is made plain & easy & there is no evil in our Country

Which the Waganhaes repeated & then cried Let it be so

But in the Evening several Indians that retain'd Rancour against the Waganhas began to drink Rum as they commonly do when they are angry & have ill Designs Upon w^{ch} the Albany Gentⁿ went to the Sachems to desire them to forbid the Selling or Drinking of Rum To which they Sachems answer'd this Dis-

order is all occasion'd by you how often have we desired you not to sell Rum to our young Indians But the Bevers you have got from us for Rum if they were to be laid on one heap would reach the Clouds But you have not hearkened to our Requests & therefore we cannot help thinking that you design to destroy us with your Rum This Liquor only prevents the Waganhaes having a peaceable & easy passage to your Country with their Bevers When our Indians get drunk they think only to revenge the Death of their friends that have been kill'd by the Waganhaes Have Compassion on us & knock the tap fast into your Rum casks that no more of it be ever drawn for any Indians for it occasions more mischief than can be told You promised last Winter to sell no more Rum to our Indians but the traders perswaded some particular persons among us to pray that the Prohibition of selling Rum should taken off but for the future give no ear to such persons

June 7th

The next day the following Proposals were made in the name of y^e whole house to the Waganhaes

1st Belt

Bretheren I Desire a firm & everlasting peace to be kept inviolably not only by us but by our children likewise If you shall preserve this Peace our children will grow up in Joy but if you do the Contrary either you or I will repent it

2^d Belt

Bretheren by this we cleanse your minds & wash away all evil thoughts

3^d Belt

By this we reconcile the young men our Soldiers to yours that if any nation should after this attack either of us we may jointly defend our selves & Destroy our Enemies Bretheren if any of our People fall into your Country naked & hungry supply them with Victuals & Cloathing

4 Belt

Bretheren If any Difference should hereafter happen between any of your people & any of this house let no revenge be taken till enquiry made of the Occasion of such Injury Come first to us here if any harm happen to be done by any of our people before you take revenge for you may safely do it & we shall do in like manner with you

5 Belt

Bretheren I desire that we may walk & travil safely & trade freely

6th Belt

Bretheren Corlaer & Quieder & the River Indians Speak to you by this Belt as well as the five Nations who all together make one house here The Path from the place where you live to Albany is beaten & made plain by this Belt and all molestation or trouble removed out of the way If any other Nation would walk in this path who is not acquainted with it help him forward You have a free & safe passage to my Brother Corlaer to walk in it as you please without Molestation

7th Belt

Bretheren We hear that one your Great Sachems who allways inclined to our Brother Corlaer & Quieder is Dead We desire you may put another good man in his room. Then the Albany Gentⁿ gave 2 stroud Blankets 1 shirt & 2 pr of Stockens to cloath the new Sachem They concluded by condoling several other persons dead among them by giveing presents

The Next day June 8th The Waganhaes made the following answer

1 Bretheren Corlaer & Quieder You have accepted me for your child I have last summer sucked one of your Breasts but now I am come to suck them both Have compassion on us as a Father hath on his Children Father I take the hatchet out of your hands because you have spoken of Peace that you may have Peace every where for if you should have War in your

Country we are affray'd one or other may do us a Mis-
chief Give 4 Bevers to the House

2 Father you have taken me into your Covenant
Chain which shall be preserved so firmly that no ax shall
be able to cut it asunder neither shall the fall of the
greatest tree be able to break it The Covenant shall
for ever be kept by us. Giveing a Bever Coat

3 Father Corlaer & Quieder I am resolved to go
to your house to see how the Trade is there & if you use
us well we will return next spring giving 2 Bevers

4 Now Father & Bretheren We accept of the
Peace as it is offer'd to us & thank the whole house for
it We promis to observe it for ever in token whereof
we give these two Calumets that we smoak on them
together in peace as often as we shall meet in this place

June 9th The Sennekas spoke to the whole house as
follows

Bretheren I am suspected to be inclined to the
French but how would you have me to act differently
from what I do for if I do not keep silent the Governor
of Canada (tho he do not attack me directly himself)
sets all his Instruments upon me to destroy me & you
know that I have no assistance given me I do all that
I can with safety for the good of the whole house
have I not spoke to the Waganhaes & brought them to
think well of all the Bretheren

The Onondagas answer'd

This meeting was not so much to speak with the
Waganhaes as to consult for the General Wellfair of this
house but what can we do when our soldiers go out to
fight & leave us without our consent All the pains we
take while it is so is to no purpose

The the Waganhaes said

We are not regarded even in our own Country because
we are continually threatned & beaten by the Governor
of Canada not with his sword but by his underhand prac-

tises & poisoning our young men with liquor There-
for our heart is w^t the Bretheren & we incline to live in
this Country but we desire what we have now spoken
may be kept private from the Govern^r of Canada and
from all those that wish well to his Interest. Giving a
Shell

June 10th The house made the following reply to
the Waganhaes

1 Bretheren You have given me your heart I
esteem it & shall keep it close to my own heart & we
promise faithfully to keep secret all y^t you have told us

2 Brethren We desire you may keep likewise
secret what we have told you & that as soon as possible
you may leave the Country where you now live & to
settle near us for the heart & body cannot be seperated
from each other Then we shall be able to withstand
the Governor of Canada or any other y^t would set himself
up against us Return to your own Country as soon as
possible after you have seen Corlaer & Quieder & bring
us speedily an answer to what we have proposed Giv-
ing a Great Belt Then the house broke up

One of y^e Senneka Sachems came to Albany before y^e
Waganha Deputys ariv'd to desire y^t they might be well
used in their trade to engage them thereby more will-
ingly to perform what they had promised

The French this year Built Fort Chamblie with stone
& kept out parties continually to Watch y^e English

Mons^r De Longueill Jean Ceur the Interpreter with
20 french men & 2 Indians came to Onondaga & made the
following Speech to the Sachems of Onondaga on y^e 17th
of July 1710 Laurence the New York Interpreter & 4
Oneido Sachems being Present

Children of the five Nations

Some of our Indians lately come from your Country
to Montreal have informed us that the English design a
new Expedition to destroy Quebec Montreal Trois Ri-

vieres & all Canada We are therefore sent by Onondio our Governor to forbid you of the five Nations to join w^t them upon any account whatsoever If you shall we not only will come against you our selves but will set all the far Nations upon you to destroy you your Wives & children root & Branch As to the English we in no manner regard them for we have for a long time had war with them & have allways prevail'd. We warn you therefore not to engage in their Quarrel but to have compassion on your children otherwise we tell you plainly that we must destroy you for which purpose we are already prepared The English must not think to frighten us with feign'd Expeditions & going to the Wood Creek to eat Bisket soakt in stinking Water there They had better eat their Bisket at Albany for they got nothing by going so far

The Sachems were divided in Opinion as to the Answer to be given but those of the French interest prevailing the Answer was made without calling the New York Interpreter to be present but they told him that they would communicate their Answer to the Governor when they shall meet him at Albany

The Sachems that were intirely in the English Interest told the Interpreter that all the Disorders & Divisions among them were owing to the Rum brought to their Castles to be sold & that unless the Selling of Rum to the Indians were intirely prohibited it would be impossible to preserve peace in their Castles but that they would be forced to disperse whereby an end would be put to their Nation They likewise told him that no means would be effectual to prevent the french Influence but building a fort near Onondaga & placing a Garrison in it.

His Excellency Rob^t Hunter being now Governor of New York met the five Nations at Albany^s who on y^e 13th of August 1710 Condoled the Death of y^e Lord Love-

^s Cf. the minutes of Hunter's conferences printed in *Documents Rel. to Col. Hist. of N. Y.*, V, 219 ff.

lace & congratulated him on his Accession to the Gov^t which was return'd by a Complement w^t an Assurance of her Majesty's favour assistance & protection

On the 16th the Governor made the following Speech to the Sachems of the five Nations

Bretheren

It having pleased the Great Queen of Great Brittain my Mistress to appoint me Governor of this Country upon the Death of the Late Lord Lovelace whom God Almighty hath pleased to take to himself I resolv'd to call you together as soon as I arived & am glad to see so many of your Sachems come with whom I shall be glad to treat of affairs for your Welfair & to renew the ancient Covenant Chain

Bretheren

I was willing to take the first Opportunity possible to meet you to renew the Covenant Chain in behalf of all her Majestys subjects on the North Continent of America, which I now do in the most Solemn manner & do assure you of her Majesty's Protection & assistance and as a token of her Majesty's kindness to you for your former Services to this Government She has sent by me a present to be given you which you will now receive

I am informed that the French of Canada have made it their Continual practise by their deluding Jesuits & other Missionaries to draw you off from your fidelity to her Majesty & to raise Divisions among you: But I suppose the long Experience you have had of their manner of treating you & the many ill Actions they have been guilty off will be sufficient Inducements to keep you firm to those that have allways been your friends & to secure you from hearkening to any of their false Insinuations They have had some Messengers lately in your Country, I would fain know what propositions have been made to you, & what Answer the French receiv'd to their Message & why the Messenger of this Gov^t, who was then at Onondaga, was not made acquainted with your answer to them I desire also to know of the French Trans-

actions with their Indians & what expedient you can propose to bring them off

I am glad you are now sensible that it is for your advantage & security, that the five Nations have a free passage through your Country to come & trade here You could not see through it at first, but y^e only way to strenthen your selves & us & weaken the Enemy is to have as many brought into the Cov^t Chain as possible & therefore I must exhort you to persist in that Resolution to give the far Indians all suitable incouragement as you see the Great Queen, to strenthen this Gover^t, has been pleased to send a great number of People w^t me to settle here

Those of your Nation that have been lately in England have made it their Supplication to the great Queen to send Missionaries amongst them to instruct y^m in the Religion & worship of the Son of God The Saviour of the World I desire to know whether you approve of it & if you will be satisfied to have a Garrison planted in one or more of your Castles & a Chappel or Chappels built there & the place fortified for your Defence & Protection

That to convince the great Queene & her Gov^r under her of the Sincerity of your Intentions on your allegiance & fidelity, you will for the future receive no french priests or Emissaries amongst you else we must not look upon you as sincere in your promise in keeping of y^e Cov^t chain bright

I am concern'd to hear the Complts of several of the Inhabitants that live above Schenectady, who suffer'd much by your young men's killing their Cattel last year & plundering their houses This is not acting like Bretheren & friends I hope you will take care y^t no such abuses be committed for y^e future

I understand that diverse of your people design to go out a fighting agt y^e Flatheads who have not injured you & are a peaceable people. It is better for you to hunt near home Since you know not what designs the French may have agt you

By y^e last Fleet y^t came from great Brittain to Boston

Her Majesty sent some troops to act offensively agt y^e common Enemy, & some more ships are speedily expected by which we may have some News Therefore it will not be advisable for y^e Bretheren to go far from home not knowing what occasion there may be for us to join our forces together

Your Bretheren that have been in England & have seen y^e great Queen & her Court have no doubt informed you how vain & groundless the French boasting has been all along, how our great Queens Armies have year after year routed all his forces taken his Towns, & is at this time near his principal town & seat of Govern^t Her Majesty has sent you as a pledge of her Protection & as a Memorial to you of your fidelity a Medall for each Nation, with her Royal Effigie on one side & y^e last gain'd battel on y^e oy^r, which as such she desires may be kept in your respective castles for ever. She has also sent her picture in silver, twenty to each Nation to be given to the Chief Warriors, to be worn about their necks as a token that they will allways be in a readiness to fight under her Banner against the common Enemy

The present given at this time consisted of 100 fusees 1000 lb of Pouder 500 bars of lead 2500 flints 70 hatchets 5 ps of strouds besides a considerable Value in other cloathing

The five Nations made their answer y^e 19th Kaqueen-dero being Speaker as follows

Brother Corlaer

We are very glad that the great Queen of Great Britain has been pleased to appoint a person who's character is not only to be a good Man but a good Soldier to be Gov^r over the Christians & Indians in this Country We are very thankfull to her Majesty for her good choice for we doubt not but that we shall all live happy under your administration

You was pleased to say that you was glad to see so

many Sachems here but we have more reason to rejoice to see you safe with us from so long & dangerous a Voyage

Tho those of our Bretheren that have been lately in England & now safely returned were all of the Mohawk nation only we are as well satisfied as if they had been one from each Nation They have seen the Great Queen & her Court & have been well treated for which we are very thankfull

Your calling us of the five Nations together as soon as possible to renew the Covenant Chain was very gratefull News to all of us and we now Solemnly renew the Ancient Covenant Chain with all her Majesty's subjects on the North Continent of America assuring you that it shall be kept inviolably by all our 5 Nations as long as the Sun & Moon shall indure

We approve of the supplication of those of our Nation that have been lately in England made to the great Queen for Missionaries to be sent into our Countrys to instruct us in the Christian Religion We shall not only be glad to see a Garrison of Soldiers planted in each of our Castles w^{ch} ly exposed to the insults of the Enemy being every where surrounded by them but we likewise wish that some of your people would go a long with us immediately to begin y^t Work which would be a great Security to our Wives & Children And we should also be very glad to have the Missionaries to instruct us in y^e Religion & Worship of Jesus the son of God & Saviour of the World but we know this cannot be had so suddenly since they must come from Great Brittain but as soon as may be we hope you will build Chapels for them in each of our Castles where we will receive them & treat them as well as we are able We think it would be very usefull for you to place a Christian Sachem in each of our Castles to observe what is transacted ther & to defeat the french Intrigues

We hope that we have given the great Queen & her governors sufficient Testimonies of our Sincerity & of our fidelity & we are willing to demonstrate it further

by not receiving or harbouring any of those dangerous people the Jesuits in our Castles & shall discharge all our People to receive them but the most effectual way to be rid of them will be by fixing Garrisons in our Castles by building Chapels & supplying them with Missioners & therefore the sooner these shall be done the better the fortifying our Castles especially

Then they promised not to go out agt y^e flatheads but to stay near home & as to y^e french Indians (meaning those that had left the Mohawks to settle near Montreal) they said they had tried over & over to bring them back & y^t they would not desist from their Indeavours In y^e next place they said, You are pleas'd commend us for opening Path for the Waganhaes to come through our Country to Albany where Corlaer & Quieder dwell We shall allways be willing to encourage their comeing but the Bretheren can do more to promote this Trade than we can that is by selling goods Cheap Yea We would have you for this purpose sell cheaper to them than you do to us & this will infallibly draw them all to you We are accustomed to buy Dear & the Traders allways alledge the Bever is a Drug & worth nothing

Then they declar'd their gratefull deceptance of the Medals & pieces of Silver sent by y^e Queen

They promised to take care y^t y^r young men should not for y^e future commit any irregularities in their March

As to y^e french Agents that had been lately at Onondaga they desir'd to have leave to inform his Excellency in private of what passed then

But before they left y^e publick place of Meeting a Senneka Sachem stood up & said When the last Expedition was on foot one⁹ of you Lieutenants was kill'd in the lake We condole his Death with this Scalp & 4 Bevers which he laid down

Being come into the house they repeated the propositions that M^r DeLongueill made to y^e same purpose the Interpreter had & then said that they gave him no other

answer but exhorted him to sit still & be quiet as he advised them nor would they give any answer to the Hatchet

The Com^{rs} of Indian affairs by the Governors order told y^e Sachems at a Private conference that the French Indians continued to commit cruel Barbarities on the Queens subjects in New England & desir'd to know if they could propose any Method to prevent y^e like for y^e future

To this they answer'd that the Gov^r of Canada not only commits alike cruelties on our people but has set the far Indians upon us to destroy us We have frequently applied with Belts of Wampum but never had any redress About 3 or 4 years ago we sent several of our Sachems to Canada to procure a Cessation of Arms with the far Indians He told us y^t it was not in his power to grant but y^t he would write to the King his Master & give us an answer when the Strawberries should be ripe next Spring But the strawberries have been ripe over & over again & we can have no answer to this day We therefore must desire to be excused in this matter & must refer this entirely to Corlaer to do therein what he shall think convenient We can do no more than what we have done but would be glad to know our Bretherens Resolution in it before we return to our Castles

On y^e 20th the Mohawks came to his Excell^y on y^e 20th & said

Broy^r Corlaer

There is something forget in the publick Proposition which is this When we were in England we desir'd of the Great Queen to have a Minister in our Mohawk Castles & the Queen was so gracious as to propose two for us for which we were very thankfull & told her Majesty that One M^r Freeman ¹⁰ (the Dutch minister at Schenectady) understands our Language & would be a proper person to instruct us which the Queen was pleas'd to

¹⁰ Rev. Barnardus Freeman, who had removed from Schenectady to Long Island, at the close of 1705.

approve of We desire therefore that he may live with us in our Castles

To which his Excellency answer'd I am very willing if Mr Freeman can be prevaild with to go & will endeavour to have him confirm'd at home in that Station but I have not as yet receiv'd the Necessary Orders relating to Missionaries but I expect y^m every day

The Com^{rs} for Indian affairs made the following Representation to his Excell^y in answer to a letter w^{ch} he had receiv'd from the Governor of Boston Aug 20th 1710

May it please your Excellency

We the Com^{rs} for Indian affairs being convinc'd by your Excell^{ys} Order upon the subject matter of a letter w^{ch} you receiv'd this Evening sign'd by Coll Dudley Governor of the Masachusets Colony & her Majesty's officers conven'd in a Council of War wherein they represent the Mischiefs done to her Majesty's subjects in New England at 5 several place at the same time by 5 parties of Indians sent from Quebec & Montreal at this time when they are raising a 1000 men for an Expedition against Port Royal w^{ch} obliges them to raise 500 men to secure the frontiers & therefore propose that the Mohawks & 5 Nations be entred on the Service of the War concluding that if they should kill a few Frenchmen & dispersed a few of their scouts on this side the lake would prevent their March upon them

We being heartily griev'd at y^e deplorable condition of the poor Innocent people who are so barbarously murdered by those evil inhuman Indian Savages have had the matter under our serious consideration & several conferences w^t y^e Indians of the 5 Nations thereon but cannot prevail with them to use any other Methods w^t y^e french of Canada their Indians to divert their arms from y^e s^d Colony than that they will send some of y^r principal men to the French Indians at Canada w^t belts of Wampum & particular Instructions to use their utmost indeavour to prevail w^t those Indians to forbear any further hostilities

on that quarter Urgeing to them the proposals lately made to themselves at Onondaga by M^r Longueill & Jean Cœur from Gov^r of Canada that for y^e future the Christians only should fight agt y^e Christians & also to remind the said French Indians of y^r former promises to y^m to stand Neutral w^t respect to y^e Christians in New England If the said Messengers in y^r Journey to Canada should happen to meet any parties of French Indians going towards any of her Majesty's Plantations that they indeavor to prevail with them to return to Canada & if they cannot to send immediat Notice to this Gov^t all w^{ch} we hope will have a good effect

We take leave to represent to your Excellency that their being neither Money in the Treasury to mentain the War nor Arms or Ammunition Sufficient even for y^e defence of the Frontiers (occasion'd by the late intended expedition agt Canada) We cannot suppose it advisable for your Excell^y to enter into any extraordinary Measures that may draw an Expence upon this Province Unles the Assembly were now sitting & a Quorum of Council here present with whom an affair of this high Nature might be concerted

But the true matter was the People of New England design'd to divert the seat of y^e Indian War from themselves on New York which the People of New York were not so blind as not to see

The Indian Messengers that were sent to the Mohawk Christian Indians settled near Canada commonly called the Praying Indians to engage them to lay down the hatchet the Gov^r of Canada had put into their hands agt New England return'd & gave the following acct of their Negociation Oct^r 15th 1710

The Gov^r of Canada's Lady had been taken by the English & she had sent letters to her husband to be forwarded by way of New York The Indians got these letters the better to cover their Design

After they had deliver'd these letters the Gov^r of Montreal the went to Cahnuauga & holding the Belt w^{ch}

they had receiv'd from the Gov^r of New York by the Middle they spoke to the praying Indians saying One end of this Belt from Corlaer desires you to come to Albany The other end desires you to lay down the hatchet you have taken up against New England

To w^{ch} the Gov^r of Montreal answer'd

You have desir'd my children to go to Albany w^tout my consent but I absolutely forbid them or to intermeddle with any matters without my consent & advise Corlaer & Quieder were quite mistaken when they thought to persuade my children to go to Albany without my licence I am surprised at Corlaer & Quieders Weakness in makeing such unaccountable proposals to my children (who have y^e same flesh & blood with me) as to lay down the hatchet I have put into their hands agt New England at this time especially when they are preparing to attack some part of my Prince's Territories in these parts I therefore continue the hatchets in their hands & will by no means take it out of their hands

Then he asked the Messingers how it came they were so poorly cloathed & provided When I employ any of my children on Messages I cloath them & provide them well w^t all necessaries for their Journey but since your Gov^r sends you so I will suffer you to return as poorly as you came

Notwithstanding of this answer from the Gov^r of Montreal the Sachems & Soldiers of Cahnuga & Schawagunuhtade the two Castles of Mohawk praying Indians near Montreal sent a Belt under ground with the following answer with one Mouth that is unanimously You have asked us to lay down the hatchet we hold agt New England & y^e Gov^r of Canada tells us that Corlaer is now invading the Territories of his Prince but we know nothing of this & rather that he has forged this story out of his own Breast We are resolved to take up the hatchet no more against New England & we unanimously resolve to disobey the Gov^r of Canada if he should desire us to go agt New England any time after this

But they could not come to Albany at this time with-

out incurring the Gov^r of Canadas highest displeasure & therefore desire to be excused as to that.

The Waganhaes being incited by the French to fall upon the Sennekas to divert them from joining w^t y^e English against Canada surprised some of their Hunters & murder'd them The French hearing that the five Nations were resolv'd to resent this upon the French sent Jean Cœur to Onondaga who about y^e beginning of Oct^r in the presence of the Cayugas Oneydoes & Onondagas met together to hear what he had to say indeavour'd to clear his Country men of that blame as follows

We condole the Death of two of your people who were kill'd in May last near Cadarackui by y^e far Indians Giving a Blanket & a shirt to each of their familys He would indeavour he said to find out y^e murderers to have them punished Afterwards takeing an Oneydo & an Oneigo Sachem privately by themselves he desir'd to know if the English had any designs on foot agt Canada assuring them that he will discover any Designs that he shall hear of against them. The five Nations being much encouraged by the News they had heard of Port Royal's being taken gave Jean Coeur the following answer

Onnondio allways professes extraordinary Concern for our Wellfair & that he is much afflicted when any misfortunes befall us but if this were true Onnondio would endeavour to prevent them the Contrary of w^{ch} we every day feel notwithstanding all his fair promises to speak plainly we look on Onnondio as the Cause of all our Misfortunes & now Winter coming on we are neither affray'd of Onnondio nor of his Waganhaes Onnondio is allways endeavouring to sow Divisions amongst us but it will not be in his power to Divide us We are resolv'd firmly to stand by one another & the Great Queen of Great Brittain & we now assure you that if the Waganhaes shall insult us in the least for the future we will revenge it on you as well as them We have been long silent when you made deceitfull flattering proposals to us but now your falshood appears so manifest to us that we

are resolv'd to speak plainly to you We believe that Onondio hired the Waganhaes to murder our People & if any Insult more be done us we will eat the French up as we have done many other Nations

On y^e 21st of April 1711 The five Nations sent three Indians express to Albany to inform their Bretheren that three french officers with 30 men were come to Onondaga & desir'd to meet the Sachems of the five Nations They sent these Messengers w^t 7 hands of Wampum to desire Quieder (Coll Schuyler) to come to them to be present at their Conferences w^t y^e French Coll Schuyler refus'd to go without the Gov^r order & by that delay M^r De Longueill who commanded that party perswaded the five Nations to hear him before Coll Schuyler ariv'd in the presence of the New York Interpreter who was then there

Coll Schuyler having receiv'd his Dispatches set out the 1st of May accompanied w^t M^r Rooseboom & M^r Bleeker having sent an express before him to tell the Indians that he was coming M^r Longueill had built a Blockhouse with loop holes for Defence & was beginning to build a Chapel but as soon as he heard that Coll Schuyler was upon his way he left it & retir'd to the lake where his Canoes lay

The Sachems being conven'd the 8th of May at Onondaga spoke to Coll Schuyler & the other two Deputies from Albany telling them that they had been informed that the English & French had resolved to join together to destroy the five Nations in order to divide their land both the English & French in Europe wanting land very much & fighting together in Europe about land That some French having been admitted to pass freely last winter through Albany made them give ear to this story but especially the high price that powder is held at in Albany whereby they will be disabled from defending themselves They likewise said that they were told that the English intended to Murder all the Sachems of the Five Nations at Albany to which place

they intended speedily to invite them w^t y^t treacherous design They said that they told M^r De Longueill of these storys who answer'd that the French had no such designs but he believ'd the English had

Then they repeated M^r Longueills Propositions to them as follows

Children

I shall now speak to you not only from my self but on behalf of all oy^r Nations of Indians in alliance with me You must forget what is past & forgive has been done Let us now renew our Coven^t & take no notice of the ill insinuations you receive from your Neighbour Corlaer

Children

It may happen that Corlaer & Quieder may in a short time offer to put the hatchet into your hands agt us We desire you may not receive it for this War is only between the French & English & at the end thereof they will become friends again You are Dead if you take the hatchet but if you do not concern your selves with either side you may live Do you not your Selves observe how like Slaves Corlaer & Quider use you how they take no manner of Notice of the requests you make & do you not see how they keep up a Correspondence w^t us & suffer our People daily to pass through Albany O children I pity I wish Corlaer & Quieder were to hear what I would say on your behalf for they take no care neither of you nor your Country they only want your Bever & your assistance when they are in a streight but they never return you any assistance when you want it I have Compassion on you & I only Value you (stamping with his foot) preserve peace with me as I am willing you should keep peace with you Brother for I have pity on your Young men your Wives & Children Corlaer & Quieder have put the hatchet into the hands of their River Indians but I value them not for the firing of one great Gun will frighten them all away It may be Corlaer may send some parties

toward our Country & we may send some agt him to fetch a Scalp or a Prisoner do you in the mean while sit still & be quiet for thereby you will save your lives

You Soldiers & young men hearken to the Sachems for they are men of knowledge & experience to govern your Country by their advise you may live long a peaceable life I know you are Warlike men it becomes you however to give ear to your old men & to avoid Drunkenness. You Woemen Disswade your Husbands from War for it will occasion you much grief & the loss of your Country I have sent for the Waganhas some of whome I hear have committed murder near Cadarackui & I have sent likewise for all the upper Nations to whom I have given the Hatchet I desire you would sent 2 Sachems from each Nation to hear what I shall say to the Waganhaes

This relation agreed with the Acct the Interpreter gave but was better expressed

They in the next place told their answer which they said was as follows

We must tell you that we have just as much Compassion for Onnondio as he has for us We are not resolved to receive the hatchet against him neither do we believe that the River Indians have receiv'd it It may be the hatchet has been put into the hands of the Indians that live near New England & there is good reason for it since you have given the hatchet to all your Indians against them You seem to pity us with design to make us think that our Brother Corlaer uses us unkindly which we are very well assured they do not but we have often been very ill used by you If we have often had war with you which you occasion'd without provocation from us but we never had any difference with our brother & hope never shall We have allways liv'd in Love & Friends^p Our young men are generally obedient to us & have observ'd our Commands in not falling upon the Waganhaes tho they have assaulted no

less than twelve times We believe you set them upon us & that you did it w^t design to get all the Bevers to your selves & prevent our getting any to carry to our Bretheren We cannot easily forget this & therefore we apprehend you have some ill design in sending for the Waganhaes at this time If you would have us to sit still without concerning our selves in this war & suffer the Christians to fight their own quarrels by themselves you must take the hatchet out of the hands of all your Indians & suffer them to be neuter as we are willing in such case to be

M^r Longueill in his Conferences with the Indians had told them that he had other Nations beside the Waganhaes that he could set upon them To which they answer'd & we have more Nations that are willing to assist us than you are aware of so that he gain'd nothing by his threatning

Coll Schuyler thanked them in the Governor name for their Sending for him to be present at y^r conferences w^t M^r Longueill He wonder'd they should have taken of such rediculous storys as to repeat them but reproved them for suffering the French to build a long house w^t loop holes for defence & then went & pull'd it down to the ground

Coll Schuyler set up the Queens Arms in all y^e Indian Castles through w^{ch} he went & sent y^m to y^e Cayugas & Sennekas

The Assembly refuseing to support her Majesty's Govern^t here the Com^{rs} for Indian affairs wrote to the Gov^r telling him the danger they were in without one penny to support the guarding of the frontiers or sending spies & scouts to watch the Enemy or having any Presents to give to the Five Nations while the French were using all means possible to debauch them at a time they began to have a mean Opinion of the Conduct of this Gov^t

On y^e 20th of June 1711 Gov^r Hunter having met the

Indians several of the Sachems came to him & assured him privately w^{ch} they said was not convenient for them to do in publick because of some Indians that would be present at the publick Propositions that were inclin'd to the French I say they assur'd him That tho they had told the French that they would not engage themselves in y^e Quarrels between the Christians they said this only out of Fear not by Inclination He allways dissembles with & so we must do with him but we assure you that we shall allways obey your Commands & keep firm to our Covenant with you You never have had any difference with us whereas the French have often in-deavour'd to destroy us

Several of the far Indians under y^e French Dominion came to Albany to trade

In y^e End of June Capt Abraham Schuyler & David Schuyler were sent to the Five Nations to tell them that the Fleet was arriv'd with the Forces design'd against Canda by Sea & to offer them the Hatchet & to meet the Forces at Albany immediatly which were design'd to March by land They all receiv'd the Hatchet cheerfully & promised to make ready immediatly desiring that the Christians might make no delay because the season of the year was far advanced

The Governor of Canada sent several of the Praying Indians to Albany under several pretences & some French under pretence of exchangeing Prisoners to discover what preparations were makeing at Albany & would not permit a great number of Wawawas that were come to Montreal to sell their furs & Peltry least they should go home as soon as the made their market but kept them to assist the French The Praying Indians when at Albany promised that they would leave the French & fly to the woods as soon as they should hear y^t y^e English were near Canada

The Indians living coming or near y^e River came first to Albany & on y^e 20th of August their names were listed their members being as follows

Indians living near the Mannor of Livingstone	219
living near the Highlands	21
Skahkook's	38
River Indians	54
In all	<u>132</u>

All these poor people had for their pay was each a Blanket Shirt Stockens shoes & a Cap besides Ammunition & provisions

On y^e 24th the Five Nations came in a body & as they passed the Fort were Saluted with five Guns & His Excellency having made them a Compl^t upon their arival they answer'd him the next day as follows Dekanisora being Speaker

Brother Corlaer (the Gov^r) Annadagariax (Coll. Nicholson) Quieder (Peter)

At our Arival yesterday you told us how glad you were to see us & bid us wellcome That it was very gratefull to you to see us so obedient to the Great Queens Commands in takeing up the Hatchet against the French our common Enemy We are likewise very glad to see the L^t General Nicholson safely ariv'd from England & that he has escaped those two great Dangers the Sea & the French Ships of War We are likewise thankfull to our Brother Corlaer for the present he gave us yesterday

Br. Corlaer Annadagariax & Quieder

We request for the French praying Indians who once were our Children tho' at present they have left their Country & live w^t y^e French that if they will be Newtral & sit still in their Castles or if they be willing to join with us that they may be pardoned & receiv'd again as friends For the great God would be angry with us if we should destroy them that sue for Pardon & return to their Obedience We have hopes that some of them will come over to us & join us at the carrying place or on the lake

Br Corl. Annad. & Q

We are now going upon an Expedition against Canada & it is very probable we shall not take that place without fighting We desire therefore to know how we must behave our Selves towards the French when we take them Prisoners The Indian Custom is to give the Prisoners they take from the Enemy to the familys that have lost any of their Relations in the Battle & who have the absolute Disposal of them either to kill them or keep them alive but the Christians save the Prisoners they take & exchange them for such of their People as have been taken by the Enemy We desire therefore to know how we must dispose of the French & how we ought to use the Indians that we shall take for we are resolv'd to obey the Generals orders in this but as to our parts we are resolv'd to use the Indian Prisoners we shall take with the same Clemency You shall use the Christian Prisoners

Br. Corlaer Annad & Q

We have since we came to Town asked all the Indian Traders whether they went on the Expedition ag^t Canada & we find they all design to stay at home We desire they may go along with us for they'l find no Bevers to buy when we are gone & they ought to give a good example to others especially since they will reap the greatest the Greatest by the Expedition If it Succeed all the Bevers will be brought to this place

Br C An & Q

Since we are a Considerable body of Indians as well as Christians that go against Canada we ought to consult matters maturely together that nothing be done rashly or without previous Deliberation & tho you are to have the Chief command & we are to obey your orders & you know the Methods & Manners of the Christians better than we do yet we know those of Indians better than you do & therefore we hope you will advise with our old & Experienced Sachems that go along with our Young men & soldiers to Instruct them in the Arts of War We have had long wars & have been at last allways successfull as we doubt not we shall be at this time

Then they gave in the number of their men that went on the Expedition viz

Sennekas	182
Cayugas	127
Onnondagas	99
Oneydoes	93
Mohawks	155
Satanas subject to the Senekas	26
In all	<u>682</u>

They told the numbers by laying down bundles of litle sticks for each Nation adding that they were obliged to keep a good force in their own Countries to defend their Wives & Children from their Enemies as they find the Christians likewise do

They desir'd to know what numbers of Christians went along with him declaring that they would march as soon as that was done

His Excellency in Answer told them what reason they had to hope for success & how much the happiness of their Country depended upon it He not only assured them that so many of the praying Indians as would join them should be kindly receiv'd but likewise desir'd them to use all their Indeavours to bring them over He likewise told them that they should have the Indian Prisoners deliver'd to them as it was expected they would deliver the Christian Prisoners to the Christians He added that they would be better without those Traders than to have them against their wills & assured them that y^e General would advise with their Sachems in matters relating to the Indians

Two french praying Indians having come lately to Oneydo & from thence to Albany along with those of the five Nations were examin'd who seem to declare the truth with much Ingenuity which I here abridge from the Questions & their Answers in the minutes of Council

They said y^t 21 days since they came from Cahnuaga one of the Castles of the Praying Indians near Mon-

treall That they were sent by Tatahquisere a Sachem of that Castle to tell the Oneydoes that as soon as he should hear of the approach of the forces from Albany he would retire with all his people to the Country of the five Nations by way of Cadarackui River That they had got the certain account of the Expedition by a Mohawk Indian that came to Montreal two days before they left it & that several Onondagas were now in Town who came from Canada since they came That only 100 of the far Indians were come to Montreal & that all the rest had refused to come That the Bush lopers were all call'd in & about 60 Canoes were ariv'd w^t y^m before they came away

They said that they had been told that there was 5500 men in the Gov^t of Montreal but there was few regular troops there That Montreal was fortified with cedar Stockadoes & that they had lately a blockhouse below Montreal upon a hill on the River side in which they had several great Guns That there was 170 men of the praying Indians in the Castle called Cahnuaga & about 30 in the other Castle in all 200 That the Governor G^l of Canada came himself to Cahnuaga & having made a feast proposed to them to go to Albany to Catch Prisoners but they having refused it he desired 40 of them might go a long with him to Quebeck & that being likewise refused he desir'd they would go into Montreal but all was denied him They believ'd some of the Praying Indians would assist the French & the others retire that they were affray'd to join the English because of the Mischiefs they had done to New England y^t The Owenagungaes Odirondax & Skahsowannies who live near St. Lawrence River will all certainly assist the French The Owenagungas were pretty numerous the others few but they did not know their numbers They said that they intended to go along with the Army ag^t Canada but not in the Manner the Oneydo Sachems proposed to us to leave the Army in the March & to go to the praying Indians to perswade them to desert to the five Nations for it is too late for those that design to leave the french

will be left & those that design to stick by the French will do some Mischief to us for it will be impossible than any could escape from y^e French that would now attempt to intice their Indians from them

The Army marched as far as the Wood Creek which falls into Corlaer's lake & were ready to pass y^e lake when they receiv'd an Express giving them an Acct of the Loss the Fleet had met with & of their return Upon which the Land Army likewise return'd

When they return'd to Albany on y^e 8th of Sept^r the five Nations in their publick prop^{ns} show'd much uneasiness They complain'd that the greatest number of their men in the Army wanted fire Arms & that they knew the French had been all ready inform'd of it That having now twice fail'd in their Designs ag^t Canada in conjunction w^t y^e English they were were ashamed & must cover their faces & they expected that they must meet with the first punishment from God

They said they were barbarously used by the extravagant price demanded for goods at Albany especially for powder & lead without which they could not defend their Country If we (they said) shall be destroy'd you will not be able to defend your selves as litle as we can subsist without you

What is the reason they added that when you offer'd to send Missionaries among us to instruct us & to build forts in our Countrys for our Defence & we so far agreed as to desire men might be immediatly sent along with us for that purpose now we find nothing done or prepared It is ill done to make promises without any Design of Performing

His Excell^y being come to Albany on notice giv'n him of the Uneasiness & endeavour'd as much as possible to remove their fears & mean Opinion they had conceiv'd of our Conduct assuring them of his Friends^p & y^t he would as soon as possible perform what he had promised He easily took off the present fondness they show'd for Missionaries by sending Smiths to reside among them w^{ch} they truely desir'd with more earnestness than the others

for that was allways desir'd with an earnestness y^t could be easily distinguished

In the beginning of the Winter some of the French Indians surprised & murder'd some persons in two families that were in the Farms that lye nearest to Canada which obliged y^e Com^{rs} for Indian affairs to keep Scouts on Corlaers Lake & all the Considerable passes to prevent being surprised in the Winter the time when the Indians they can approach the settlements with the greatest security

In April 1712 His Excell^y having Information that the Tuscarora Indians y^t now made war on the People of Carolina had sent Messengers with several Belts of Wampum to engage the five Nations in their Quarrel sent the Interpreter to each Nation to warn them not to engage in that Quarrel but to use all possible indeavours to make an Accomodation & to oblige those Indians to desist from making War on the People of Carolina who were subjects of the Queen of Great Brittain They promised to send Messengers for that purpose if the Governor would send some of the Inhabitants of this Govern^t to Carolina to act in concert with them adding that they had such influence on those Indians that they were sure of performing what was desir'd if this method were taken & any reasonable terms proposed But at this time the Messengers from the Tuscaroras were not arriv'd only 3 Indians who gave an Acct y^t they were by the way these three Indians said that the War was occasion'd by the Christians takeing two Indians that had taken some Tobacco from a Gentlemans killing one & whipping the other who makeing his Escape fled to one of their Castles that some time afterwards the People of Carolina made an assault on that Castle but were beaten off

One of the Sachems from the Praying Indians at Montreal came to Albany & with four Belts & renew'd the Neutrality between them & the Gov^t of New York

Some of the Far Indians came likewise this year to Albany particularly the Missisaquies & some others who had left their own Country & settled with the Senne-

kas these last in their Propositions call'd the Sennekas their Children which was a preferring their Nation to the Sennekas for w^{ch} they were reprov'd by y^e Com^{rs}

The French who very well knew the fickle & wild tempers of the Indians used all means to take an advantage of the Differences the English of Carolina had with the Tuscororas who were allies of the 5 Nations & of the Disappointments they had met with in the ill success of the Expeditions against Canada They told y^e 5 Nations that there was a Box found on St Laurence River drove ashore from the wrecks of the Ships in which were Instructions to the English General to destroy all the Indians as soon as he should have conquer'd Canada

That the Queens Arms which lately had been set up in all the Indian Castles was a manifest claiming of all their Lands That the English of New York had join'd with the People of Carolina & had promised to fall upon the 5 Nations because of their being confederates with the Tuscororas & that it was for this reason that Poudre was sold so dear at Albany that the 5 Nations might have none to defend themselves These storys gain'd the more ground because the Dutch about Albany who still retain a National aversion were not averse to have the 5 Nations intertain a dislike to the English & the Assembly having refus'd to raise any money for the Support of Gov^t there was no persons sent among the Indians to reside there & to watch against the Intrigues of the French The Spirits of their young men at last became so much exasperated that they intertain'd thoughts of falling upon the English every where & for that end sent belts to all their Confederates to inform them of their Designs & to engage them to join with them

But Dekanesora who was a prudent man perceiving the Danger into which his Country men were like to through themselves came to Albany & inform'd the Com^{rs} for Indian Affairs of these things & they sending for several Mohawk Sachems found them all to be true His Excell^y therefore sent Coll Schuyler with some others When he came to Onondaga the Sachems told him that

the Dearness of goods was the foundation of all their Uneasiness for it was impossible for them to live while goods powder especially was sold at such an Excessive dear Rate That their entering into the Covenant chain at first was with Design to have the necessary Instruments of Iron & Arms for their Wars That since they enter'd into the Covenant w^t their Bretheren they had such advantages of their Enemies that the Countries where their enemies formerly liv'd is now become a desert but if they can no longer buy their necessary goods & what they want for carrying on their Wars they loose the end for w^{ch} they made the Cov^t & the links of the chain will break & it fall to pieces

As to the Tuscororas they had allready proposed the only means which they thought reasonable to put an end to that War viz That wise men should be sent from the Gov^t of New York to meet w^t y^e Sachems they design'd to send to hear & examin into the occasions of the Differences & to determine between the Contending parties & they took it very much amiss that no answer had been made to so reasonable a proposal especially since they had taken the hatchet out of the hands of the Tuscororas that the Messengers or Deputys on both sides might meet with more freedom The Gov^r had sent an Answer to this Proposal of Sending Deputys but for what reason I know not the Com^{rs} did not communicate in the usual form to the 5 Nations w^{ch} is y^e reason they complain of having no answer & thinking themselves neglected

But these favourable thoughts w^{ch} the 5 Nations entertain'd of the French were soon at an end by some of the far Indians who are under y^e Influence of the French falling upon some of the five Nations & killing them upon w^{ch} they resolv'd to make War upon those Indians & not to spare the French if they should come in their way or resent the Injury w^{ch} might be done to their allies & desir'd their Bretheren of Albany to join with them & to give them assistance in men or at least in arms & ammunition But y^e Com^{rs} did not give y^e Gov^r any

Notice of this proposal till a long while after it was made

This summer a Stockadoed fort w^t four Blockhouse placed in manner of Bastions was built at Tionondorague one of the Mohawk Castles & a Garrison of the regular troops which Fort has ever since been call'd Fort Hunter

His Excellency hearing that the People of Albany observ'd a Neutrality with the French praying Indians & suffer'd them to come freely to Albany by which means the French got Intelligence of every thing & the five Nations intertain'd a Jealousy of the English by their keeping a Correspondence with the French There had been some sort of Neutrality agreed on in the Lord Cornbury's Administration between the People of Albany & their Indians on y^e one side & Montreal & the French Indians on the other & under this Notion they cultivated a private Trade with Montreal w^{ch} by the Scarcity of Goods at Montreal & the Dearness of Bever at New York was very Beneficial to some persons & several of the Com^{rs} have been generally concern'd in this Trade

The Governor wrote to them that he knew nothing of this Neutrality & would not suffer it & therefore order'd them to secure & make Prisoners of all the French Indians that should come to Albany & prohibited all Correspondence with Montreal he likewise reprov'd the Com^{rs} for not acquainting him sooner with the request of y^e 5 Nations for assistance in their Design of attacking the French Indians & of the Displeasure they had intertain'd ag^t the French Order'd publick Proclamation to be made that all persons that were were willing might join & assist the 5 Nations in their Design'd Expedition & order'd a considerable present of powder to be given to the 5 Nations for that Purpose but the Com^{rs} obey'd none of these Orders alledging in their excuse that it would draw the War upon our frontiers that all the settlements there would be abandon'd & that the Assembly having rais'd no money for support of Gov^t far less for a War the publishing of these orders would be of Dangerous Consequences

The Rev^d M^r Andrews ¹¹ the first English Missionary every sent to the five Nations arriv'd at Albany in Nov^r 1712 & was placed at Fort Hunter among the Mohawks He brought with him a letter from the A B^p of Canterbury directed to the Mohawk Sachems in which he stiles them Most honoured Princes & gives them the Title of Excellencies w^{ch} sufficiently show'd to the People of Albany how ill he had been inform'd of the Nature of their Gov^t & of their Characters General Nicholson had strangely imposed upon the Queen as well as that Prelate & all the People of England in the Indian Kings he carried over to England with him

But y^e Dutch about Albany who think they have a seperate property in y^e Indians & y^t part of y^e Country or at least would have it so indeavor'd to give the Indians ill impressions of y^e Missionaries telling them that they would claim the worth of their lands & of all they had as their right

At the same time the Gov^r gave the Com^{rs} Notice of the Cessation of Arms between the Crowns of G Brittain & France

The Assembly still refusing to support her Majesties Gov^t in this Province the Com^{rs} for Indian Affairs were not enabled to keep persons of Credit in the Indian Country or to send them thither as Occasion required Neither could they give the usual presents that are made at all their Treaties or Conferences with the Sachems By which means the 5 Nations thought themselves intirely neglected by the English and gave the French an Oportunity of giveing them all the ill impressions that they inclin'd to do & to sow Jealousies among them

This was the reason that the Queen having orderd a Fort to be built at Onondaga the charge of w^{ch} she was willing to defray when every thing was prepared to begin it the Sachems of Onondaga refused to admit them to build it The French likewise engaged the 5 Nations to go ag^t the Flathead at y^s time w^t whom they had for

¹¹ Rev. William Andrews, missionary from the Society for the Propagation of the Gospel.

a long time wars & animosities These Indians called Flatheads had join'd the People of Carolina ag^t the Tuscaroras & by setting the 5 Nations upon the English allies at this time they were in hopes to produce a Breach between the English & the five Nations The 5 Nations were likewise made believe that the English made War on the Tuscaroras only on purpose to get their lands from them by destroying them The carrying of Rum into the Indian Countrys likewise produced many disorders & quarrels w^{ch} Dekonesora resented so far as to say to y^e Com^{rs} that if the selling of Rum were not prohibited he could act no longer as a Sachem & desir'd another might be apointed in his room

The Tuscaroras having been defeated in Carolina 600 fighting men & 400 old men & boys came this Spring to the 5 Nations & were receiv'd by them & have ever since remain'd with them

About this time the Nekeriagies Deonondadies & another Nation were at War [with] eleven other Nations the chief of whom were the Odsiestagikronoon & both sides applied to the 5 Nations for assistance. These eleven Nations were enemies to the French & were at War with all the French allies so that by the Indian affairs being intirely neglected at this time an Opportunity was lost of increasing the Dependance of all the Western Indians on the English & lessening the French Influence the like of w^{ch} probably will not happen in our Age if ever it do

The English continueing to neglect their Interest w^t y^e 5 Nations the French were the more busy & their Influence was the greater because they had prepared & marched against the Odsiestagiks & y^e other Nations that were at war w^t y^e French allies At the same time sowing Jealousies among the Indians that were in the Neighborhood of any of the English Colonies so that the Defection had been like to be general if Brig^r Hunter yⁿ Gov^r of New York had not w^t much prudence remov'd the Jealousies which the Five Nations had intertain'd

The 5 Nations had a General Meeting at Onondaga

not only without acquainting the Com^{rs} at Albany w^t y^r Design of holding it but threatning any that should discover any thing that should be resolv'd there The Com^{rs} however engaged two Sachems to go there & to discover what ever should be done At that Meeting the 5 Nations resolv'd to send some of their Sachems to Canada with the following Propositions (the peace with Canada having been notified to them)

1 Father You have often tried & indeavoured to destroy us but you have allways been disappointed in your Designs & now you ought to let us live in peace

2 That for the future you do not send to us to come to you when you have any thing to say to us but come your selves or send your Messengers with what you have to say to us & when we have any thing to propose to you we will come to your Country

3 We are fully resolv'd to live in Peace & when our Brother Corlaer shall desire us again to take the hatchet of War up ag^t you we shall flatly deny him We desire likewise that for the future you do not order or desire your Indians to enter into any War that may happen between you & the Queens subjects Let all the Indians be Neuter as you once proposed your selves We will neither after this hearken to you nor Corlaer if either of you desire us to enter into a War against the other

4 We the 5 Nations the Minissinks & the Shawonoes desire you would furnish us w^t Pouder at a Cheap rate by this means you will gain a great trade & much Profit

5 We now plant a tree of Peace & Friends^p in your Country the Branches of w^{ch} shall reach to the heavens & roots spread through the whole earth neither shall its leaves ever wither so that all nations shall see this tree planted there

6 We desire that we may speak freely together with good true & upright hearts & that all deceit may be laid aside

7 We desire you may allways rest Satisfied in our Friends^p & Faith

8 We desire that the Path betwixt our Country & your may allways be kept clear that we may freely pass & repass without fear

9 We promise on our parts to keep the Path clear that you may come & go in Peace

The Sachems had likewise two more belts to make any other articles at their Discretion which they may find usefull or necessary when they shall be there

The French Emissaries insinuated w^t so much art among y^e 5 Nations y^t y^e English had a design to cut off all their Neighbouring Indians that they began to believe it & the handles they made use of for y^s purpose were the War y^t y^e People of Carolina had now undertaken against the Flatheads after they had forced the Tuscaroras to abandon their Country The forces that Gen^l Nicholson had brought over to Boston for takeing possession of the Countrys yielded by the Treaty of Peace & The Dearness of Pouder at Albany notwithstanding of the Peace & the unusual Neglect that the People of New York discover'd of the 5 Nations So that the 5 Nations began to believe it to be true & grow very uneasy

These things being told to the Gov^r of New York he order'd the 5 Nations to be summoned to Albany to meet him on y^e 15th of Sept^r to renew the Cov^t chain & to take y^e Hatchet out of their hands for they complain'd that it had not been done w^t y^e usual solemnity but only by a simple Message w^t a Belt

The Sachems of y^e 5 Nations having met his Exc^r at y^e time Apointed they told him of the Rumours they had heard of all y^e English Colonies joining together to cut off y^e 5 Nations w^{ch} had caused great Distraction & Confusion among them They added that notwithstanding of these Reports they had ventured hither & it is in your power now to kill us but it will be a great shame to you

if you do for we are of one flesh & blood with you & it will startle all strangers to hear of it

The Governour in his Answer made them very hearty compliments & told them that those Reports they mentioned were only rais'd by those y^t would have it so Assured them they were altogether groundless Neither could they believe it unless they thought him so foolish as to design to cut off his right hand with his left & to put them out of all doubt he was resolv'd before they parted to give them a considerable quantity of Pouder & lead

They replied that they would immediatly send away expresses into all their Countrys to give an Account of the kind reception they had met with because their people were in great confusion expecting that some mischief will befall us here

On the 23^d his Excell^y solemnly renew'd the Cov^t chain with them then added

I am also to acquaint you that her Majesty has given Peace to all the World & particularly to france against which you have when Occasion required readily & willingly taken up the hatchet (I speak it with gratitude the War being thus ended) I now take the hatchet out of your hands & desire you to follow peace with all men

In their answer on the 25th they Declar'd it shall not be in the power of Men or Devils to break the Cov^t chain They said they could not promise to make Peace with the Flatheads subjects of Carolina before they had consulted their young men but when they shall have don that they promise to give a true answer

They promised to do every thing else the Gov^r had desir'd of them & that they would imprint strongly upon their peoples hearts the good words he had spoken to them

They promised to send all the French out of their Countries & not only to give a free passage to the far indians but would likewise incite them to come to trade at Albany But not having a sufficient number of belts

to confirm the several articles they agreed to the give small sticks promising to send as many belts as they gave sticks

But when they came to answer that part of his Exc^{ys} speech wherein he put them in mind of the Missionaries that were according to their request to be sent to them to instruct them in the way to eternal life having changed their minds they put it off with the following excuse

When we consider what fine Cloaths the Christians put on every Sabbath day when they go to church & that goods are still so dear that we cannot purchase good cloaths but would be under a necessity to go to Church with an old nasty Bear Skin or a Greezy Deer Skin We defer the receiving of Missionaries till goods become so cheap that we can buy suitable cloaths to go to Church

But as for Smiths they were in such want of them that they pray'd his Excellency to send them as soon as possible So that a Smith was in greater Esteem w^t these politicians than a Parson

In the last place they told y^e Gov^r that the Tuscarora Indians had taken shelter in their Country They said y^e Tuscororas had once been a part of their Nations that went from them long ago & are now return'd that they promised to live Peaceably and as they were now become the Children of the 5 Nations they would engage for their good behaviour & Gave a Belt

On y^e 21st of Feb^{ry} 1714/5 The 5 Nations sent Dekanesora to tell y^e Com^{rs} that several parties had been gone out ag^t the Flatheads before y^e Sachems return'd from Albany & therefore could not give an Answer to that part of his Ex^{cys} speech till those parties return'd

In the Summer 1715 The french Marched a considerable body of men against those Indians they call Renards & called the Naked Indians by the People of Albany who had lately been at Albany & enter'd into an alliance w^t y^e English The sent John Coeur into the Sennekas country who bought there 400 bushels of Indians corn for

y^e use of their Army that was then at y^e great Falls of Oiagara & endeavour'd to engage the Sennekas to join the French upon this Expedition & perswaded some of y^e 5 Nations to fall upon a party of y^e far Indians that were passing through their Country to trade at Albany The french at the same time settled a Smith in the Sennekas country finding that the Sennekas had a greater regard for a smith than for a Priest About the same time M^r Longuille came to Onondaga with 9 Canoes carrying a very large present w^t him & the Com^{rs} having had Information that his Design was to obtain leave of the Onondagas to build a Fort in their Country Upon w^{ch} the Com^{rs} wrote to the Gov^r that they fear'd the 5 Nations would consent to allow the French at this time to build being in dread of the French Army at Oiagara That such a Fort will make the 5 Nations entirely depend on the French so that we shall loose all our Influence over them w^{ch} would of Dangerous consequence to all the British Colonies on the Continent Upon receiving of this letter his Excell^y order'd the 5 Nations to be immedeatly summon'd to meet him at Albany on the 20th of Sept^r but soon after the Interpreter had set out on this errand he met 5 Messengers from y^e 5 Nations who made him turn back These Messengers said y^t the 5 Nations both Sachems & fighting men were upon their March towards Albany & they were sent befor them w^t a Message to the Gov^r which they refus'd to Deliver to the Com^{rs} but would go down to New York for that purpose

The Sachems having met his Excell^y on the 27th of August gave 3 belts in room of y^e 3 sticks that they had given last year for want of Belts

They told his Excell^y that this was the place where only they would treat of any affairs wherein the Brittish Colonies were concern'd

They deliver'd the hatchet w^{ch} had been put into their hands ag^t Canada saying it had been an unfortunate hatchet two Expeditions ag^t Canada having prov'd unsuccessfull And therefore if ever you offer to give us

such a hatchet we will not receive it Giveing a Belt of Wampum

But the Sachems came afterwards & desir'd the last part of this prop to be struck out & the following article to be put in its place

Never the less we must acquaint you that we have a hatchet of our own w^{ch} we have had of old which allways has been very successfull & fortunate It has subdued a great many nations of Indians It has made their Habitations desolate & turn'd their Countries into a Wilderness This hatchet lyes still by us & it is yours as well as ours Now if Corlaer has at any time a mind to make use of this hatchet it shall be at your command but then it must be new steel'd

Then they condol'd the Death of the Queen & congratulated K George's Acession hoping that he would protect them as Q Anne had done Giving a Belt of Wampum

On y^e 29th Dekonesora being Speaker He told y^e Gov^r that 3 Sennekas had ariv'd the day before who inform'd y^e Sachems that Messengers were come from a Nation of the Dewagunhaes call'd Owigsaagronoon who brought a Message from another Nation of the Dewagunhaes call'd Ronatewisigronoon y^t live further off than the Owigsags They brought a pipe & a pair of shoes from the Ronatewisigs as a token of Peace & friends^p to y^e 5 Nations & Corlaer & a desire of free passage to Albany for trade & that they Design to come next spring to enter more formally into an alliance w^t y^e 5 Nations & Corlaer Adding that they had been for some time weak now they were grown strong & powerfull The Owigsags messengers say'd that their Nation had a pipe at Albany as a pledge of their Friends^p & as a token that they desire it may be continued sent 4 Bevers to Corlaer & that the other Nation had sent 12 Bevers to be distributed among the 5 Nations & Corlaer which the Speaker immediatly did by giveing each two Bevers The Speaker desir'd

his Excell^{ty}s Answer to this Message from the far Nations

To which he answer'd that he accepted the proposals of y^e far Nations kindly & assured the 5 Nations that all that are friends to the 5 Nations shall be looked upon as friends to this Gov^t & shall be wellcome to come hither as on the other hand all that are Enemies to the 5 Nations shall be looked on as Enemies to us Giving a Belt to be sent to those far Indians

On y^e 29th day his Excell^{ty} answer'd the Propositions made by y^e 5 Nations on y^e 27th & among other things said I demanded the hatchet that was put into your hands ag^t the French of Canada our Queen having then Concluded a Peace with the French King The whole world knows how succesfully that war was carried on in Europe but as you will observe it was an unsuccesfull hatchet at best on y^r side But as y^t ill success can in no wise be imputed to her late Maj^{ty} who had given all necessary orders & had made all suitable preparations for these Expeditions nor to you who ingaged in them with all imaginable cheerfullness & Resolution (I speak it with gratitude & to your praise) nor to me who in your own sight perform'd y^t share w^{ch} was committed to my care Let it be forever hereafter buried in oblivion & never more mentioned unless it be to the reproach of those who in the mismanagement of y^t part of it w^{ch} was to be ~~de~~formed by Sea or something worse defeated so promising an Interprise

But there is another hatchet w^{ch} you mention & I repeat with great Joy That is the Hatchet of mutual Defence & Security, that, as it is bright I hope & pray that it may be lasting as the Sun It never has been lifted up in vain & wo to them that shall deserve to have its edge turned ag^t them I shall take care to steel it & I doubt not you will take care to sharpen it when it is wanted Giving a Belt

He inform'd them that some Indians in the Neighborhood of his Maj^{ties} good subjects our Bretheren of Carolina have lately contrary to their ingagements & faith given & without any cause or Declaration of War

fall'n upon that People & butcher'd many in their beds who could not apprehend any such treatment from those who had professed themselves friends: Among these I am informed that your old Enemies the Flatheads have ranged themselves You yourselves know best the truth of this whether it be so The cause of their fury ag^t his Maj^{ties} subjects is chiefly this that when y^e Flatheads implored their assistance ag^t y^e 5 Nations they absolutely refused it because you were ever in strict alliance with the Crown & good friends to the subjects of Great Brittain.

What I now desire & expect of you is y^t according to our Cov^t w^{ch} import mutual assistance you will now interpose with your power to put an end to this War & either perswade or force those that are concerned in it (whom you know better than I) to lay down the hatchet untill Conditions of Peace shall be agreed upon This as it will redound to your Glory will be highly pleasing to his Maj^{ty} & endear all his subjects to their good Bretheren of the 5 Nations & to this I shall wait your Answer giving a Belt

The 5 Nations on y^e 31st replied to y^s speech with the strongest expressions of affection But as to the occasion of y^e War between the Indians & y^e people of Carolina they had been inform'd otherwise than his Excellency is viz That y^e English desired the Flatheads to assist them in fighting ag^t y^e Tuscaroras promising that y^e flatheads should have goods cheaper after the Tuscaroras were reduced Whereupon they join'd the English & the Tuscaroras having been dispersed the Flatheads claim'd the advantage of the Promise the English had made them but the goods remain'd as dear as formerly the English giving only a handfull of Pouder for a Bever Skin & other goods in Proportion & we must tell you that we have reason to complain of the Dearness of goods as well as they & tho' we have often complain'd of this matter w^{ch} is of the greatest consequence to us we have never receiv'd any redress

It is wholly impracticable for us to gain any thing upon those Indians by fair means There is no faith nor Love in them neither can we trust them because they have allways been our Enemies & if we should send any Deputies to treat w^t y^m they would certainly cut the throats of our Messengers

But as your Excel^y has told us that the Ancient Hatchet w^{ch} we have allways used ag^t our Enemies which is Yours as well as ours shall be new steel'd ag^t those Indians We must desire you to sharpen it likewise for us & then we doubt not to subdue those Indians Small skulking Parties will not be effectual we must go with an Army ag^t them & carry on the War to purpose They give 2 Belts on y^s last Article

By Sharpening the Hatchet our Young fighting Indians mean a Considerable supply of Arms & Ammunition sufficient for so great an Enterprise giving 4 Packs of Bevers

The Govern^r thanked them with Expressions of Affection to them for their engaging so heartily in this Interprize & promised them a Considerable quantity of Ammunition immediatly & that they should be supplied with more from time to time as their Occasions shall require

On y^e 19th of Feb^y 1715/6 The Com^{rs} had information y^t a considerable body of the Owenagungas design'd to fall upon New England of w^{ch} they gave y^e Gov^r notice

The Parties of y^e 5 Nations brought in last fall 2 prisoners & 20 Scalps of the Flatheads & the Mohawks 5 Scalps but a party of y^e Mohawks meeting another of y^e Onondagas by surprise they engaged before they knew one another & 2 of the Onondagas were kill'd

The french Army could not proceed ag^t the Renards or Naked Indians for want of Provisions & winter'd at Wawehactenock A Senneka was sent from Albany to perswade the Wagenhaes not to join y^e French Army going ag^t y^e Naked Indians because they were friends to

this Gov^t w^{ch} he performed & they promised not to join the French

Six persons had leave to go to trade at Tiurundequat a place on Cadarackui lake about 32 miles from the Sennekas Castles where some french Traders were fixed being a place by which all the far Indians pass whether they go to Albany or Canada they had presents given them to engage the far Indians to go to Albany rather than Canada

Several of y^e far Indians that live at Teuhsagrondie came to Albany to trade on y^e 7th of June 1716

M^r Phillip Livingstone having been in Canada inform'd the Com^{rs} at his return Aug. 13th 1726 [*sic*] that 12 considerable men of the Sennekas had desir'd the Gov^r of Canada to have Compassion on y^r Nation & to send a Priest & a Smith into their Country to build a Fort among them & to put 30 men in it & promised y^t if he would give a blanket for 2 Elk skins & a Gun for 3 elk Skins they would never more go to Albany to trade The Com^{rs} wrote to his Excell^y y^t if y^e french be allowed to fix a Garrison there the 5 Nations would be lost to this Gov^t & that to prevent them it would be necessary to settle a Garrison among y^e 4 upper Nations

Abraham Schuyler being sent by his Exc^{rs} orders to y^e Meeting of y^e Sachems at Onondaga to inquire into the truth of what M^r Livingstone had inform'd the Com^{rs} The Sachems assur'd him that y^t proposition was made without their knowledge or consent & Dekanesora rising up said that he was present when some of the Sachems told y^e Gov^r of Canada that 1709 they were forced to carry back their Priest to Montreal with Tears in their eyes but that now they were come with joy to desire another & desir'd a french Garrison to be settled among them as M^r Schuyler inform'd them Upon which he told them y^t the Sachems had no orders to make any such Proposition & threaten'd to inform their Brother Corlaer of it

The French sent M^r Longueille & Jean Coeur whom y^e Indians call Sononjeur at several times with great Pre-

sents to engage them in some interprises w^{ch} was believ'd was to join the Indians that were at War with the People of Carolina there being arriv'd in the Sennekas Country at the same time Ambassadors from 50 Nations bordering upon Carolina who inform'd y^e 5 Nations that they had distroy'd 200 Christian families & that 20 Sennekas had gone w^t these Ambassadors on their return to their own Country & the french had their Messengers continually passing to & from those Indians that were in Carolina through the Sennekas Country On y^e 21st of May 1717 several Indians liveing at a French Settlement called Wanajahtenok came to Albany to trade & complain'd of the extreme hardships put upon them by the French & y^t if cow skins would sell at Albany they would bring great quantitys but they are not valued there

In a private Conference w^t y^e Govern^r y^e 13th of June 1717 Dekanesora told his Exc^y that the French had a tradeing house near the Senekas Country on Cadarackui lake at a place called Irondequat & sold a great quantity of goods but that these goods were mostly English & sent from Albany to Montreal If that trade between Albany & Montreal were stop'd the other would fall of Course Brig^r Hunter told them that he would use his utmost indeavours to stop that pernicious trade between Albany & Canada w^{ch} only put money in some private mens Pockets. And the french having giv'n them some Jealousy as if y^e English would join to cut y^m off because of the Indian War w^t Carolina Convinced them of y^e falshood & ill Design of the Spreaders of those Stories by saying that they might as well believe that they were so mad as to cut one anothers throats since y^e 5 Nations & this Government had allways been the nearest & best friends

His Exc^y assured them of his Assistance ag^t all such as should attack or molest them

The 5 Nations in their publick Propositions assur'd his Exc^y of their most Vigorous & hearty assistance in case the English should be attacked but if the English shall out of Pride or Malice attack any Indian Nation

their Neighbours they must consider before they give any assistance

They said that they were one flesh & blood w^t y^e People of New York & surely no man ever hated his own flesh

They urged again to have goods cheaper & said they would never desist from desiring this being that on which the Cov^t chain was founded & that it was as much y^e Interest of y^e People of Albany to sell goods cheap as theirs to have them so for by that Means all the Trade would be drawn from Canada & all the Numerous Nations to the Westward would depend on Corlaer

The Brig^r assured them he would do all in his power that it may be so

On y^e 16th of June the Gov^r receiv'd a letter from y^e Gov^r of Virginia¹² wherein he complains of a grievous Insult committed by some of y^e 5 Nations on some Indians under his Majesties Protection w^{ch} he communicated to the 5 Nations as the same was stated in the Gov^r of Virginia's letter

The Catawba Indians who have been at War w^t South Carolina applied to the Gov^r of Virginia for establishing Peace w^t his Majesties subjects & accordingly began w^t a cessation of Arms & Hostilities & promised in a certain time to deliver to that Gov^r several of the Children of the Chiefs among them as Hostages for their future fidelity & performance of their Promise They Accordingly came to Fort Christiana w^t their Hostages consisting of 11 of their own Children & w^t some of the small Nations their Neighbours Upon advice of their Arival there the Gov^r himself went to Fort Christiana on y^e 9th of April last The next morning by break of day these Indians lying without the Fort & having as the Discipline there is delivered up their Arms were attacked by a party of your men who firing among them as they lay a sleep killed 5 wounded 2 & carried away Wilmaantantanykee Chief of the Catawbas w^t 5 others prisoners One of w^{ch}

¹² Alexander Spotswood.

afterwards made his Escape & is returned & confirms that the party consisting of about 40 were all of your People except 5 or 6 That their Intention was to fall on the Sapponee Indians a Nation in Friends^p with & Tributary to Virginia & that they gave out y^t in a short time they would return & cut off all the Sapponees & English themselves in their Neighbourhood

That Gov^r takes Notice of what you know to be true that 32 years ago there was a Peace concluded between the Gov^t of Virginia & its Indian friends on the one hand & your 5 Nations on the other hand & that it is most certain that it has been most strictly kept & its conditions performed on their part as they have been in a particular manner commanded by his Majesty & his Royal Predecessors to do how far this action is consistent w^t y^e Terms of that Peace be you Judge especially considering that the Catawba Indians were at that very time there under the Protection of the Publick Faith

He expects as he has just reason to do that you shall make all possible reparation for y^t insult In the first place by giving up or restoring the Prisoners taken That you will send some of your Deputies to Virginia, or at least to the Nearest Frontier of that Colony where he is willing to meet you himself in order to the settling a good Understanding & fixing a Solid & firm Peace w^t you for the future In case you think fit to send Deputies to the North Frontier of Virginia or by land by the Ordinary road through the Christian settlements this Gentleman whom the Gov^r has sent hither is willing to accompany them & remain with them till their arrive And I conclude it to be my Duty in his Maj^{ties} Name to require of you that all possible Satisfaction be made for this heavy Insult, W^{ch} I am willing to believe as I have heard has been privately suggested, took its rise from a Mistake for as yet I have a better Opinion of the Faith of the Bretheren than to believe that they would take up Arms under a Pretence of assisting his Maj^{ties} Subjects but w^t a real Intention to fall upon them or their Friends

Brigadier Hunter had room enough to believe so considering that the Catawbas had been really Enemies to South Carolina & all the Attacks of the Indians are made by Surprising their Enemies Suddenly But the English of New York have allways neglected an useful Means of preventing such Accidents either through mistake or their unsatiable Desire after revenge by Sending some Christians along w^t their Parties to keep them within y^e bounds of the Intended expeditions as the french never fail to do

The five Nations kept firm to their Resolution of Treating no where w^t y^e English but at Albany & indeed there was reason for as these Indians are of much more Consequence & much more haughty as well as politick than any other Nation it would be of Dangerous consequence if they were treated in the same Manner the Southern Colonies treat their Neighbouring Indian Nations & therefore the Neighbouring Colonies ought to consent to that place where these Treaties can be carried on with the greatest safety & w^t y^e best advice

The Interpreter was sent through all the 5 Nations to dissuade them from going to war to the Southward but y^e Gov^r of Canada sending some of his Indians through the several Nations to make that way they easily prevaild on the Warlike Genius of the Young men & carried away several parties of young men whether the Sachems would or not It was therefore thought Necessary to send some person of Note to the Sachems to dissuade them & to represent how Contrary it was to their Promises & engagements w^t Corlaer The Sachems on y^e 21st of August 1717 confessed the truth of all that was said to them but likewise confessed that their Young men were allready gone & that they were so bent upon their Design that they had no power over them to turn them from it Being asked how far their Army was advanced they said that they now lay encamped on the Susquehana River Upon which the Interpreter was dispatched to them

The Interpreter reached the Army the 2^d of Sept^r w^{ch}

consisted of between 4 & 500 men of which 40 were French Indians & they being all call'd together he laid down thre large Belts of Wampum telling them that he was sent by the Gov^r to perswade them to desist from their Design of going ag^t the Indians that were subjects to the Crown of G Brittain & under the Protection of his Majesty & of his subjects

The next morning they answer'd being all met together by Canoquanie whom they had chosen for their Speaker That they would desist from their Design of going ag^t the Indians that live on the Borders of Virginia & that they would direct their March Westward ag^t Indians that ly above 600 miles from any English Settlements

They promised to behave themselves so that it should appear that they kept their words & were faithfull to the Crown of Gr Brittain & had allways observ'd the Directions they rec^d from Corlaer

But they said they were affray'd that the Gov^r of Virginia would be deceiv'd by the Indians who live near him because they have several times in the Midst of profound Peace made between y^m & the 5 Nations surprised & murdered Several of our People but if these Indians shall at any time commit hostilities ag^t Virginia if the Gov^r will let them know of it they will pursue them so long as one of them shall remain upon the face of the Earth In the mean time that all disagreeable accedents be prevented they think it adviseable for y^e Gov^r of Virginia to send Agents to treat w^t y^e 5 Nations at Albany They added y^t considering the steady fidelity that they have allways shown to Corlaer & his Predecessors we hope he will not take it amiss that we revenge our Innocent blood shed by y^e Treachery of our Enemies In former times when any Nation made war upon we intirely subdued them without leaving them a name upon the face of the earth & we never were the first agressors & Gave a Belt of Wampum The Interpreter said that this Army had sent several Messengers to several Nations living to the southward

On y^e 2^d of Nov^r 1717 Cayenquarahte commonly call'd Blewbeek one of the Chief Seneka Sachems & most firmly attached to the English Interest Complained to the Com^{rs} that he found there was much more Notice taken of the French Indians that came to Carry Goods between Canada & Albany than of any of the 5 Nations & y^t y^e carrying so much goods to Canada kept the goods so dear at Albany that they receiv'd litle Benefit of their Cov^t w^t Corlaer You desire (he said) that we should perswade the far Indians to come to Albany to trade if you did not furnish the French w^t goods the french would not be able to supply them & they would come of course where they could buy but now you furnish the French w^t y^e means to prevent them Why do you forbid us to trade with the French when you trade openly every day your selves

This Speech was thought of so much consequence y^t y^e Com^{rs} immediatly sent a Copy of it to y^e Gov^r

On y^e 3^d of July several of the Twihtwies came to trade at Albany

On y^e 17th of August several Sachems of y^e 5 Nations came to Albany & said y^t they still intertain'd Jealousies of y^e English having a design to join together & to fall upon them these suspicions were infused by y^e French Emissaries who told them y^t y^e Assembly met yearly at New York to concert Measures ag^t them of w^{ch} they might be convinced because all their Transactions were kept secret from y^e Sachems of y^e 5 Nations

Upon notice of y^s Brig Hunter who had y^e Indian affairs allways very much at heart went immediatly up to Albany & on y^e 4th of Sept^r Told them how he had laid aside all business to meet y^m & how glad he was to see them That he was thswaded they could not believe the stories they mention'd as y^e occasions of their Diffidence He said he was affray'd they had fallen upon some Nations y^t they ought not to have medled w^t & what have you got by it you have lost many gallant young men one of w^{ch}

is worth a 100 Flatheads Then he told y^m y^t y^e People of this Province met yearly to make good laws to regulate the Conduct of y^r People w^t one another & wish'd y^e 5 Nations would follow so good an example

A good many of y^e far Indians came y^e 14th day of May 1719 to Albany & told that they had broke through all y^e opposition y^t M^r Tonti & the French had made to hinder their coming The next day another considerable number came who told y^e same of the French endeavouring to stop them On y^e 1st of June two more parties came one of them being Deonondadies & y^e oy^r Twihtwies that live on the Banks of Misissipi These last said they were obliged to force their way ag^t y^e French who indeavour'd to stop them

On y^e 16th y^e same month another party of y^e Twightwies came to trade at Abany

The neighbouring Gov^{ts} of Pennsylvania Maryland & Virginia complaining of y^e Incursions of our 5 Nations upon their Territories the Mohawks & Oneydoes were sent for who said that they wondered y^t such Compl^{ts} should be made because they found the English at War w^t those very Indians that they fell upon & said that a Principal man among the English to the Southward offerd y^m Pouder & lead to fall upon those Indians They being asked how they came by any Indian prisoners that Speak English they said that they were run aways & catched them in y^e woods that they carried them to a great man who they believ'd was a justice who took y^e white Serv^t from them & sent them to his Master but said he had nothing to do with the Indian & therefore we brought him away At last they said the only way for an end to be put to these Differences is for y^e Christians to send Agents to Albany to meet us where we shall understand them best

On y^e 23^d of June 1719 several Indians of the Nations call'd Adewowadenie came to Albany they said they had been here about 6 years & y^t 10 Canoes were coming about 2 years but were stopt by y^e French

On y^e 28th several of y^e Indians called Sauteurs came to Albany to trade

On y^e 6th of July Dekanesora Came to Albany to tell y^t y^e French were building a Fort at y^e Pass of Oiagara & y^t y^e French were settling all round them by which they may sometime or other have an Opertunity to destroy them & it would certainly stop y^e Trade of y^e far Indians to Albany being they all pass that way The Com^{rs} gave him a belt to carry to the Sennekas to tell them to forbid the French to build at Oiagara but he refus'd saying y^t he only came in a private Condition & as a friend to Corlaer & therefore Could not carry any publick Message but said that if they would send some person of note to pull down the house at Oiagara as they had done the House w^{ch} M^r Longueille built at Onondaga he was sure it would be agreeable to the 5 Nations The Com^{rs} sent an Acet of this to Brig^r Hunter but he being then ready to go on board for England I do not find that he wrote any answer

On y^e 3^d of August Some Cayuga Sachems came to Albany & said that 34 or 35 years ago they had join'd the lands on the Susquehana River to this Gov^t & offer'd now to sell it out right that they might not be under any Temptations from the neighbouring Gov^{ts} that were endeavouring to purchase it

Jean Coeur was continually among the Sennekas influencing them & finding y^t Blewbeck one of y^r Principal Sachems was most firmly attached to y^e English & y^t he often defeated his Designs found means so far to Discredit y^t Sachem as to have him removed from their publick Council & y^t by his Influence & Arts y^e Young men of the 5 Nations had been & still are put upon making Insults upon y^e Indians w^{ch} live to the Southward under his Majesty's Protection w^{ch} was thought to be of y^e worst Consequence to y^e Brittish Interest among the 5 Nations Upon w^{ch} Peter Schuyler Esq President of the Council & now Commander in Chief in y^e absence of y^e Gov^r order'd Myndert Schuyler & Robert Livingston

Jun^r two of y^e Com^{rs} for Indian Affairs w^t a suitable attendance to be sent into the Sennekas Country The Interpreter was sent by these Gentlemen with several of the Seneka Sachems to Oiagara He set out on y^e 29th of May & ariv'd y^e 30th where having met w^t a French Trader w^t 2 other French men in a house 40 foot long & 30 wide The Interpreter told that Trader that he was sent to accompany the Sachems & to tell y^m that the 5 Nations having heard that you are building a house at Oiagara they have consider'd how prejudicial such a settlement is & may be to them & their Posterity & are come therefore to tell you that such settlement is against their Inclination & therefore desire you to not only to desist from further building but to pull down what is already built & to be gone

The Trader answer'd that he had leave from the fighting men of the Senekas to erect this house & that he would not leave it before he wrote to the Gov^r of Canada his master who had posted him there to trade for him & had his orders to leave it

Then the Sachems said they never hear'd that their young men had given any such leave

On y^e 7th he return'd to Tierondequat where he found a smith sent by the Gov^r of Canada to work gratis for the Senekas & the same day ariv'd at the Senekas Castle

The Sachems & fighting men being conven'd he told them what he had said to the French trader & his answer They all denied & desir'd that their Brother Corlaer would demolish that house or at least write to the Gov^r of Canada to have it demolished & to acquaint them w^t his answer

While the Interpreter was repeating what y^e French Trader answer'd in the presence of Jean Coeur he interrupted him saying you only indeavour to have that house Demolished for fear that the French should stop the Trade to Albany not that you are affray'd of any ill consequences to the Sennekas from it or that they design to take the Land from that Nation To which he answer'd that the French had built that house in order

to have the Command of that Pass by which the 5 Nations passed to the Country where all their Bever hunting lay & to command their Trade & to force them to buy at such extravagant rates the french should please to put upon their goods That now they sold a Stroud Blanket for 8 Bevers or a white blanket for 6 Bevers whereas they could buy them at Albany for half that price which the said Indians affirmed was true

Jean Coeur some time afterwards told the Senneka Sachems that a New Governor was coming to New York who had a Hatchet hid in his Bosom & therefore desir'd them not to suffer their young men to go abroad but to be upon their Guard No doubt this was done from a reasonable fear they had that the new Governor would use all means to have their Settlement at Ohiagara demolished which would prove of such dangerous consequence to y^e Brittish Interest among all y^e Indians living to the Westward He added y^t if Corlaer should offer to demolish the house at Ohiagara w^{ch} they design'd to fortify it would cost blood & desir'd the Woemen to take pity on their husbands & children to influence them to Peace

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